

**PB# 92-42**

**Windsor Crest (Hilltop)  
(Phase II)**

**35-1-41**

P.B. #92-42 Windsor Crest (Hilltop) (Shaw) PHASE III

W I N D S O R C R E S T

1 2 1 RS 1 AC

Approved 11-15-93  
\* See approved plans in  
Town Clerk's Vault  
Map Tube # General 51

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12550

# GENERAL RECEIPT

12993

Received of New Helltop Devel. Corp. \$ 150.00  
One Hundred Fifty and 00/100 DOLLARS  
For Partial application fee & Remainder of Application  
DISTRIBUTION: 92-42

FUND	CODE	AMOUNT
CR # 1170		100.00
# 1182		50.00

By Pauline H. Townsend  
Town Clerk

Title

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12550

# GENERAL RECEIPT

12994

Received of Pauline H. Townsend \$ 150.00  
Fifteen Hundred and 00/100 DOLLARS  
For Planning Board Escrow - New Helltop  
DISTRIBUTION: Devel Corp #92-42

FUND	CODE	AMOUNT
CR # 1169		1500.00

By C. M.  
Captain

Title

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12550

# GENERAL RECEIPT

13658

Received of Town of New Windsor (Trust + Approval Fee) \$ 150.00  
One Hundred Fifty and 00/100 DOLLARS  
For Planning Board Approval Fee (#92-42)  
DISTRIBUTION:

FUND	CODE	AMOUNT
CR # 1823		\$150.00

By Pauline H. Townsend  
Town Clerk

Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

FUND	CODE	AMOUNT
CR # 1170		100.00
# 1182		50.00

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

By Pauline S. Townsend  
Town Clerk

Title

**TOWN OF NEW WINDSOR**  
555 Union Avenue  
New Windsor, NY 12550

## GENERAL RECEIPT

12994

November 9 19 92

Received of Pauline S. Townsend \$ 1500.00

Fifteen Hundred and 00/100 DOLLARS

For Planning Board Escrow - New Hilltop  
Dev Corp #92-42

DISTRIBUTION:

FUND	CODE	AMOUNT
CR # 1169		1500.00

By C. M.

Captain

Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

**TOWN OF NEW WINDSOR**  
555 Union Avenue  
New Windsor, NY 12550

## GENERAL RECEIPT

13658

October 20, 19 93

Received of Town of New Windsor (Trust + Agmt) \$ 150.00  
Fund

One Hundred Fifty and 00/100 DOLLARS

For Planning Board Approval Fee (#92-42)

DISTRIBUTION:

FUND	CODE	AMOUNT
CHK # 1823		\$ 150.00

By Pauline S. Townsend

Town Clerk

Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

**Planning Board**

**Town Hall**

555 Union Ave.

New Windsor, N.Y. 12550

**NO. 92-42**

October 19, 19 93

RECEIVED FROM New Hilltop Development Corp.

Eight Thousand 00/100 DOLLARS

Cash Site Plan Bond

Account Total \$ 8,000.00

Amount Paid \$ 8,000.00

Balance Due \$ -0-

11/19/93

Myra Mason, Sec to  
the P.B.

"THE EFFICIENCY LINE" AN AMPAD PRODUCT

See approved plans in Town Clerk's Vault  
Map Tube # General 51



Planning Board  
Town Hall  
555 Union Ave.  
New Windsor, N.Y. 12553

RECEIVED FROM New Hilltop Dev

Five Thousand 00/100

Payment 1 of 6 for recreation

Account Total \$ 30,000.00

Amount Paid \$ 5,000.00

Balance Due \$ 25,000.00 Mypal

Planning Board  
Town Hall  
555 Union Ave.  
New Windsor, N.Y. 12553

RECEIVED FROM New Hilltop Dev.

Five Thousand 00/100

Payment 3 of 6 - Recre

Account Total \$ 20,000.00

Amount Paid \$ 5,000.00

Balance Due \$ 15,000.00 Mypal

"THE EFFICIENCY LINE" AN AMPAD PRODUCT

  
univers  
No. F5-151

TOWN OF NEW WI.  
555 Union Avenue  
New Windsor, NY 12550

Received of

New Hilltop Development  
Sixty and

\$ 60.00  
00

Planning Board  
Town Hall  
555 Union Ave.  
New Windsor, N.Y. 12553

RECEIVED FROM New Hilltop Development Corp.

Five Thousand 00/100 DOLLARS

Payment #2 of 6 Recreation Fee

Account Total \$ 25,000.00

Amount Paid \$ 5,000.00

Balance Due \$ 20,000.00 Mypal Mason, Secy to the P.B.

NO. 92-42

Planning Board  
Town Hall  
555 Union Ave.  
New Windsor, N.Y. 12553

RECEIVED FROM New Hilltop Dev. Corp.

Five Thousand 00/100 DOLLARS

Recreation Fee (Payment 4 of 6 - \$5,000.00 ea.)

Account Total \$ 15,000.00

Amount Paid \$ 5,000.00

Balance Due \$ 10,000.00 Mypal Mason, Secy to the P.B.

Planning Board  
Town Hall  
555 Union Ave.  
New Windsor, N.Y. 12553

RECEIVED FROM New Hilltop Dev. Corp.

Five Thousand 00/100 DOLLARS

Recreation Fee (payment 6 of 6) \$5,000.00

Account Total \$ 5,000.00

Amount Paid \$ 5,000.00

Balance Due \$ - 0 - CK#420

"THE EFFICIENCY LINE" AN AMPAD PRODUCT

Mypal Mason, Secy. to the P.B.

A. J. Apple

Nov. 16 1993

Received of

New Hilltop Development  
Sixty and

\$ 60.00  
00

Balance Due \$ 25,000.00 *Mymar*

Planning Board

Town Hall

555 Union Ave.

New Windsor, N.Y. 12553

RECEIVED FROM *New Hilltop Dev.*

*Five Thousand 00/100*

*Payment 3 of 6 - Recre*

Account Total \$ *20,000.00*

Amount Paid \$ *5,000.00*

Balance Due \$ *15,000.00 Mymar*

"THE EFFICIENCY LINE" AN AMPAD PRODUCT

universi  
No. F5-151

Balance Due \$ 20,000.00 *Mymar Mason, Secy to the P.B.*

NO 92-42

Planning Board

Town Hall

555 Union Ave.

New Windsor, N.Y. 12553

RECEIVED FROM *New Hilltop Dev. Corp.*

*Five Thousand 00/100* DOLLARS

*Recreation Fee (Payment 4 of 6 - \$5,000.00 ea.)*

Account Total \$ *15,000.00*

Amount Paid \$ *5,000.00*

Balance Due \$ *10,000.00 Mymar Mason, Secy to the P.B.*

NO. 92-42

Planning Board

Town Hall

555 Union Ave.

New Windsor, N.Y. 12553

RECEIVED FROM *New Hilltop Dev. Corp.*

*Five Thousand 00/100* DOLLARS

*Recreation Fee (payment 6 of 6) \$5,000.00*

Account Total \$ *5,000.00*

Amount Paid \$ *5,000.00*

Balance Due \$ *- 0 -*

CK#420

*Mymar Mason, Secy. to the P.B.*

*J. Apple*

TOWN OF NEW WINDSOR

555 Union Avenue

New Windsor, NY 12550

Received of

*New Hilltop Development*

*Sixty and*

*no*

For

*Planning Board #92-42 Attorney Fees*

DISTRIBUTION:

FUND	CODE	AMOUNT
<i>CE 117</i>		<i>60.00</i>

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

By

*Pauline M. Townsend*

*Town Clerk*

Title

*2*  
*1.95*

Planning Board

Town Hall

555 Union Ave.

New Windsor, N.Y. 12553

RECEIVED FROM *New Hilltop Dev*

*Twelve Thousand Seven Hundred*

*(ADDITIONAL ESCROW 228.00) \$150.00*

*(4% of \$394,540.00) 2% of \$50,000.00 15%*

Account Total \$ *12,718.80*

Amount Paid \$ *12,718.80*

Balance Due \$ *- 0 -*

"THE EFFICIENCY LINE" AN AMPAD PRODUCT

New Windsor, N.Y. 12553

RECEIVED FROM *New Hilltop Dev. Corp.*

*Five Thousand 00/100* DOLLARS

*Recreation Fee (Payment 5 of 6) \$5,000.00 ea*

Account Total \$ *10,000.00*

Amount Paid \$ *5,000.00*

Balance Due \$ *5,000.00*

"THE EFFICIENCY LINE" AN AMPAD PRODUCT

CK# 378

*Mymar Mason, Secy to the P.B.*

*3*

*Escrow for*

Map Number 157-94 Condo City [X]  
Section 35 Block 1 Lot 41.22 Town [X] Village [X] New Windsor  
Title: Windsor Crest II

Dated: 10-3-94 Filed 10-7-94

Approved by James R. Pedro Jr.  
10-4-94

on \_\_\_\_\_  
Record Owner New Hilltop Dev. Corp.

Floor Plans - (3 Sheets)  
Site Plan (1 Sheet)

MARION S. MURPHY  
Orange County Clerk

CORRESPONDENCE

WINDSOR CREST CONDOMINIUMS - ROUTE 32

MR. PETRO: We had a brief meeting yesterday with Jim LaPenna to go over, obviously they came up and wanted some C.O.s for some buildings that are left in Phase 1 and some C.O.s now for Phase 2. Mr. Myers bluntly said no. There was a number of items left. I'm trying to find my sheet as I'm talking here. Nothing was issued. There was about five outstanding items, if I can basically remember them.

MR. VAN LEEUWEN: How about the holding ponds?

MR. PETRO: Holding ponds, I believe Mr. Shaw what was left, there was Mr. Shaw needed to sign or a letter to New Windsor Town of New Windsor stating that they were functional, a hundred percent functional and there was never any actual plans or design of the ponds themselves.

MR. VAN LEEUWEN: That was supposed to be in working order before any shovels were put in the ground.

MR. PETRO: So we're at that point that is complete from what I understand, Greg, that letter did go out, correct? I don't want--

MR. VAN LEEUWEN: Mr. Shaw, did the letter go out?

MR. SHAW: No, not yet, they are in working order though, they have been for a long time.

MR. PETRO: Are you going to sign off and say they are in order?

MR. SHAW: Yes.

MR. PETRO: The other half of that equation was that the Town Planning Board would go down and take a look at the landscaping and see if it would meet with our approval and basically that would take care of the detention ponds once and for all. Secondly was the pumping station, it's in operation as of last Friday

it's been turned on.

MR. EDSALL: We needed a letter verifying the manner in which they tested the system relative to chlorination. As you know, the disinfection then the flushing and then the bacteriological tests I've since received that letter.

MR. PETRO: So that Lanc and Tully did inspect it when they turned it on and that was the only other, and that is also at this time complete. A couple smaller ones then we'll get back to the big one which will be off-site drainage and the bond also we completed that, right Greg? You had to go over it, not the bond, I'm losing my train of thought.

MR. SHAW: You want me to run down the five items as I remember? One was the pump station. Two, certification on the pond. Three, was the Planning Board looking at the landscaping for the pond. Four, was the off-site drain piping which Supervisor Meyers wanted to meet with the principal of Windsor Crest as to how they are going to pay for it and the fifth is the implementation of the storm water prevention pollution plan which is soil and sediment erosion during construction.

MR. PETRO: You had to complete that.

MR. SHAW: Yes, he had to complete it and I was there yesterday and he was working on it yesterday and today so I'm going to inspect it when I feel it's appropriate, when I feel that it is sufficient. At that point, I'll contact Mark, we'll go out and jointly visit it and make sure that it is complete and satisfactory.

MR. EDSALL: Another item on the list was that Mr. LaPenna promised to send us a copy of his transmittal to the DOT for the proposed bus shelter along the highway and tonight I've received a copy of a letter from New Hilltop Development to the DOT dated September 7 of this year who agreed to follow-up and see if the DOT has any input on that at this point.

MR. PETRO: Another outstanding item was the clock tower. I asked Mr. LaPenna to send me a letter requesting that the owners and the developers of New Hilltop no longer wish to proceed with the clock tower, that they had, I believe it was actually Mr. Waskew had designed it, thought it would look nice and cover part of the retention pond outlet. But they have put some landscaping and no longer wish to proceed. They'd need a variance to start for the clock tower.

MR. DUBALDI: Didn't we agree that they were going to definitely do that?

MR. PETRO: They didn't have to definitely or not. We had no problem with it.

MR. VAN LEEUWEN: Part of Phase 2 approval that we have to recind that part of the approval and I'm not going to do that. We have rescinded enough there. We have let them get away with the parking lots, instead of 6 inches of blacktop, 3 1/2 and 4.

MR. PETRO: Look at this here picture before you go any further, and--

MR. VAN LEEUWEN: Jim, it was part of the approval.

MR. LANDER: I think what Mr. Van Leeuwen is trying to say that we didn't ask for it, they said they'd put it in. It would be different if we asked for it.

MR. PETRO: That is correct, take a look at this, this is what would be down there.

MR. LANDER: I think it looks nice.

MR. VAN LEEUWEN: It's part of the approval, it's part of the approval of Phase 2 and we have to give them permission to take it off. They just can't arbitrarily take it off.

MR. PETRO: That is why I received the letter, that is why we're here tonight, send the letter in and we'd discuss it tonight and vote as a board whether or not we can dispense with this clock tower.

MR. LANDER: Let's deal with the clock tower first.

MR. PETRO: That is what we're doing. Does anyone feel that is a detrimental part of Phase 2 approval and that should be down there?

MR. VAN LEEUWEN: You heard my statement.

MR. LANDER: Do we need a motion?

MR. LANDER: I make a motion that we waive the clock tower.

MR. VAN LEEUWEN: That is okay.

MR. PETRO: Is there a second?

MR. VAN LEEUWEN: Died for lack of a second.

MR. PETRO: We're moving too fast, I still--

MR. VAN LEEUWEN: That was sneaky, we're moving too fast. I'm not going to budge.

MR. PETRO: Okay, we'll do that as a board but I'll make the mental note that I do not feel that the clock tower is of importance enough to hold up any C.O.s or project in anyway.

MR. VAN LEEUWEN: I'm not saying we should hold up C.O.s but I'm not saying hold up C.O.s once they comply with everything else, I wouldn't, so that I'm not going to hold them up cause they offered but that is part of the Phase 2 approval and I'm not budging off that.

MR. PETRO: You hear the wishes of the board. You're going to have to come up with a revised plan showing the clock tower, come in, obviously we're going to have to vote no because you're going to need a variance for the clock tower for height, I believe, and I'm not sure if it's off the DOT right-of-way so we might have a front yard problem with it, too.

MR. SHAW: Does the board have a preference with that

particular clock tower? Can we submit something that maybe is a little smaller?

MR. VAN LEEUWEN: No.

MR. LANDER: I'd like--we'll take a look at it.

MR. PETRO: For design, well again, if since we're pulling hairs here, I would say clock tower, I don't know if any plans have been submitted, all your applicant has said was clock tower. So come up with a plan, show us what they are going to do.

MR. VAN LEEUWEN: According to plan, if you look at the plan, clock tower shows on there.

MR. SCHIEFER: If everything else is okay, the clock tower means nothing to me.

MR. PETRO: You should have seconded it.

MR. SCHIEFER: No because there's so many other problems.

MR. PETRO: That is the wishes of the board so what we need now is another plan.

MR. SHAW: I'll advise the principal of the board's wishes.

MR. PETRO: Come in there so we can get you up to the Zoning Board.

MR. VAN LEEUWEN: That was one of the ways to entice us to get them to approve Section Two, okay and I'm sticking by my guns.

MR. DUBALDI: Just for clarification, what has to be done in Phase 1, just the bus shelter or is that what we're down to?

MR. BABCOCK: Bus shelter is in 2.

MR. DUBALDI: Everything is Phase 1 is now complete?



MR. EDSALL: Well, they bonded the amount for the reconstruction of the north entrance road that they put in incorrectly.

MR. SHAW: There are some issues that are Phase 1 that have to be resolved or completed, such as the north entranceway and two percent pitch coming off the highway. That is one of them, as is sidewalks along 32. But those issues are bonded, okay, and they are not they, were not, to the best of my knowledge, they were not made a condition of the release of the C.O.s, it's pending and the supervisor is here again those five issues did not deal with the north entranceway nor did it deal with the sidewalks and bus shelter.

MR. LANDER: As long as it's bonded, I don't have any problem because they are still using that road as a haul road so what is the sense of taking it out?

MR. PETRO: That was part of the reason to bond it and not fix it immediately. I don't believe there is any other problems.

MR. LANDER: Just the bus shelter.

MR. PETRO: I want to inform the Supervisor that I was called tonight by Mr. LaPenna and he was desperate for C.O.s for either Phase 1 or 2. He told me he has four or five families living in hotels.

MR. LANDER: Who's paying?

MR. PETRO: Mr. LaPenna.

MR. LANDER: Who's paying the billing at the hotel?

MR. PETRO: I don't know that but he also seemed to be fairly along with a lot of the list that we complied with and Greg you'll have all yours done by the weekend, I would say.

MR. SHAW: I would think so, by Monday of this week.

MR. PETRO: Only outstanding would be to get together with the financial end of the improvements, he realizes

that was out of his control.

MR. SHAW: And I believe Ben Blumenfeld is going to be in New Windsor tomorrow and I believe that conversation is going to take place tomorrow as far as contacting the supervisor, setting up a meeting.

SUPERVISOR MEYERS: That has to be because of the off-site storm drain problems so there's no C.O.s until that is addressed.

MR. LANDER: Mr. Shaw, recycling center, is that done?

MR. SHAW: Yes.

MR. BABCOCK: Yes that has been completed.

MR. SHAW: He has better knowledge.

MR. BABCOCK: That has been completed.

MR. LANDER: I'm just going down the list that we had here from June 1st of '94, supposed to all be completed.

MR. PETRO: Ron, again we went over the list just those 5 items left that Mr. Shaw recited earlier and I believe out of the five, three are now complete also. In addition to the clock tower.

SUPERVISOR MEYERS: What's the other issue that is not addressed, storm water, what's the other?

MR. PETRO: Management plan and the money end of it.

MR. SHAW: The certification on the detention ponds.

MR. PETRO: You already said you're going to sign off on that and the letter should be in the mail.

MR. SHAW: Correct. I'm waiting for some additional survey information. Otherwise, the letter would have been complete. I should have that before the end of the week so I am expecting to have my letter to the Town of New Windsor Monday.

MR. PETRO: Chlorination took place, that was complete so the pump station is a hundred percent complete at this point.

MR. SHAW: What's outstanding is the meeting with respect to the off-site drainage, a site inspection by Mark and myself with regard to the implementation of the storm water management plan, which is erosion control measures and the letter from myself regarding the functionality of the storm water detention ponds. Those are the three open items.

MR. PETRO: Okay.

MR. SHAW: Excuse me, and one more and the landscaping which this board has to look at.

MR. PETRO: We're going to set up a site visit. Ron feels that he does not want to take another site visit because he feels that he has been there so many times that he knows it by heart. If we don't want to go as a Planning Board, I suggest that we each take a ride by and see if we have anything.

MR. VAN LEEUWEN: Any time you want to go.

MR. SHAW: If I can just interject and refresh the board's memory. When Mr. Waskew and myself were making the presentation for Phase 2, willows were planted along the detention pond primarily detention pond A which is the long one, the southerly pond and there was some concern by the Town Board or a member or members of the Town Board that willows were not appropriate around the detention pond. And what was agreed upon was that half of them would be removed and another species planted, maybe red maple, I forget the type but that to the best of my knowledge was done a long time ago. And that is really at issue as to whether or not it was done. It's not a question of whether additional landscaping is required, just that which was promised to the board was completed.

MR. VAN LEEUWEN: Remember we left it up to the people that are living there to make an agreement with Mike

Landau what to take out and what to leave in. That is what we did.

MR. EDSALL: I know I'd been the last person to ask Ron to make another visit down there since he's probably down there as many times as anybody else the person who's asking for the field visit for the landscaping is me, only because normally Mike and I can go out and based on an approved stamped plan, come back to this board and tell you yes or no, they've done what they are supposed to. The problem with landscaping for the basins that was a negotiated item they came back in for provisions they planted a section through the basins, they modified the shape, moved the fence, moved plantings. We have no plan to go by and I just want to make sure myself that this entire board is comfortable what they ended up with. That is the difficult. We really can't do it and come back and report so we're asking for the reverse this time. So it's not Mr. LaPenna who's asking for the field visit, it's myself and I don't care if everybody does it individually and calls me individually but we need some help.

MR. LANDER: I thought I seen a letter from Mr. LaPenna asking us to arrange a site visit with him.

MR. EDSALL: I asked Jim and Jim asked them just to write the letter.

MR. LANDER: I'm telling you right now we walked that site since 1987 and Henry's walked it before that and you know, whatever they say there it all goes by the boards, they don't live up to anything they do. They say tell you one thing and turn around and do something else. So if, I don't know, if I can make it that day they had two dates there Thursday and Friday.

MR. VAN LEEUWEN: We'll set a date and let them meet us there. That is all.

MR. PETRO: I don't think they need to meet us there. If I have to listen to him go on and on about landscaping for an hour and a half, I don't want to do that.

MR. LANDER: Who's that, Mr. LaPenna?

MR. PETRO: Yes or anyone from the company.

MR. LANDER: I don't even know the man but yet Mark asked him for a schedule of things to be done and Mark doesn't even get that and when somebody sends a letter and asks me and gives me two dates to schedule a meeting well, he can forget the meeting.

MR. VAN LEEUWEN: That is right, I agree with you. We'll set the meeting and we'll be there, if he wants to meet us, fine.

MR. PETRO: What's everybody doing tomorrow at 12 o'clock? This should take two minutes.

MR. VAN LEEUWEN: I can handle it.

MR. LANDER: I look the other way when I go by this project.

MR. PETRO: If everything else goes according to plan, I don't want to have this small problem not solved and hold up any C.O.s. So we'll be there tomorrow.

MR. LANDER: I'll try to make it, Mr. Chairman, but if lunch gets in the way--

MR. VAN LEEUWEN: This project has been on the board since 1970, I first been on the board, it's been a problem ever since.

# Shaw Engineering

Consulting Engineers

744 Broadway  
P.O. Box 2569  
Newburgh, New York 12550  
(914) 561-3695

October 4, 1994

Chairman James Petro  
Members of the Planning Board  
**TOWN OF NEW WINDSOR**  
555 Union Avenue  
New Windsor, New York 12550

Re: Stormwater Detention Ponds  
Windsor Crest Condominiums

Dear Chairman Petro and  
Planning Board Members:

This office has reviewed the construction of the two stormwater detention ponds of Windsor Crest Condominiums for compliance with the design parameters that were presented in the project's stormwater management reports. The referenced reports, which were prepared by this office, and which were previously submitted to your Board, are as follows:

"Storm Water Management Calculations-Windsor Crest Condominiums"  
containing an issue date of March 19, 1993, with a latest revision date of May  
24, 1993.

"Storm Water Management Calculations, Pond B (As Built Condition), Windsor  
Crest Condominiums" containing an issue date of July 13, 1993.

Prior to my review of the pond's construction, Grevas & Hildreth Land Surveyors, were retained to obtain the as-built elevations of the pond's bottom, its sideslopes, and its outlet control structure. Upon receipt of this survey data, I routed the 5, 10, 25 and 50 year storm frequencies through each pond to determine the pond's peak outflow rate and maximum water surface elevation for each storm. Base upon the results of these routings, the as-built survey


October 4, 1994

information, and my visual inspection of the two ponds, I can state that the ponds, as constructed, meet the design parameters as presented in the referenced reports.

I trust this letter satisfies your Board's concerns regarding the two stormwater detention ponds. If additional information is required of this office, I would be pleased to provide same upon request.

Respectfully submitted,

**SHAW ENGINEERING**



Gregory J. Shaw, P.E.  
Principal

GJS:mmv  
Enclosure

cc: Mark Edsall, P.E., Planning Board Engineer  
George Myers, Supervisor-Town Of New Windsor  
Michael Landau, Esq., New Hilltop Development Corp.

10/5/94



**McGOEY, HAUSER and EDSALL**  
**CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

**13 March 1995**

**New Hilltop Development Corp.**  
**Windsor Crest Condominiums**  
**232 Windsor Highway**  
**New Windsor, New York 12553**

**ATTENTION:       MICHAEL LANDAU, PRESIDENT**

**SUBJECT:           OFF-SITE DRAINAGE IMPROVEMENTS**  
**MHE JOB NO. 87-55/T93-2**

Dear Mr. Landau:

Reference is made to this office's letter to you dated 17 January 1995 with regard to the subject matter.

Nearly two (2) months have elapsed since this letter was sent to you and we have received no response, nor a copy of the executed agreement. These responses and your submittal are significantly overdue, in relation to the time frames you assured the Town officials you would comply with.

Please provide all the information requested in our 17 January 1995 letter no later than 20 March 1995. In your response, please acknowledge that all work will be completed no later than 1 May 1995.

Should we fail to hear from you in connection with the above by the specified date, I will refer this matter to the Town Supervisor and Planning Board for their necessary action.

Very truly yours,

**McGOEY, HAUSER and EDSALL**  
**CONSULTING ENGINEERS, P.C.**

A handwritten signature in dark ink, appearing to read 'Mark J. Edsall', is written over a horizontal line.

Mark J. Edsall, P.E.

Town Consulting Engineer  
MJEmk

cc:   Supervisor George J. Meyers  
      James Petro, Planning Board Chairman

A:LANDAU.mk

- ☐ **Main Office**  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- ☐ **Branch Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765





February 19, 1993

Town of New Windsor Board  
Town of New Windsor Planning Board  
555 Union Avenue  
New Windsor, NY 12553

Attn: Supervisor Green  
Ernie Spignardo, Councilman  
James Petro, Planning Board Chairman  
Michael Babcock, Building Inspector  
Mark J. Edsall, PE, Planning Board Engineer

RE: Mark J. Edsall Memorandum of 3 Feb 1993  
Windsor Crest (Hilltop) Condominium  
Town of New Windsor Project No. 90-5  
MHE Job # 87-55

With further reference to a meeting and site-walk held on Feb 3, 1993, the following summary of issues applies. A copy of the memorandum above and other attachments are included for reference.

Item/Resolution/Action Taken	Completion Status
1. SEWER SYSTEM	
a. Procedure has been implemented Refer to internal memo of 2/5/93 (enclosed)	Complete
b. As in 1-a above	Complete
c. Shaw Engineering has completed Main Line as-builts for Phase 1.(enclosed) G & H to update as required. All as-builts will be on file with HOA and made available for access by Town, MHE. etc. (Also see G. Shaw letter of 11/21/91 to Mr. L. Masten and internal memo of 2/5/93)	Complete
d. Proper spacing is verified per Shaw Engineering letter of Feb. 24, 1992 to Mr. S. Di Dio.	Complete
e. Manhole inverts have been checked and corrected. See Shaw Engineering letter of 2/24/92 to John Egitto.	Complete
f. Infiltration problem was caused by flow from Epiphany and appears to be resolved. Meeting with J. Egitto scheduled for 2/24/93 to confirm.	Complete

## 2. WATER DISTRIBUTION SYSTEM

- |   |          |
|---|----------|
| a. Valve chamber, water valves, and hydrants are shown on the sewer as-builts. This is normal and adequate in our experience. Also please see G. Shaw letter of 11/21/91 to Mr. S. Di Dio. (enclosed) | Complete |
| b. Design provisions for the altitude valve will be part of the Orange County Health Department submission for Phase II by Shaw Engineering.  | 3/15/93  |
| c. Meeting with Fire Inspector and Water Department to be scheduled ASAP. Improper placements will be identified and rectified.   | 4/10/93  |

## 3. STORMWATER/DRAINAGE IMPROVEMENTS

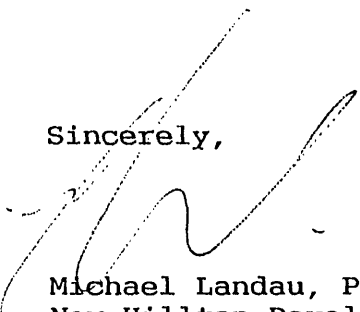
- |  |          |
|--|----------|
| a. Shaw Engineering will indicate modifications to detention basins as part of Phase II submission as requested. | 3/15/93  |
| b. Detention basin priority will be indicated as per your request.   | 5/15/93  |
| c. Upon field inspection and determination design and work will be done with 3 b above.                          | 5/15/93  |
| d. Procedure has been implemented<br>See internal memo of 2/5/93.  | Complete |

## 5. PAVING AND ROADWAY WORK

- |  |          |
|--|----------|
| a. Work complete. See memo of 2/18/93 to Mr. Don Greene of the NYS DOT.                                    | Complete |
| b. Please refer to memo of 2/18/93 above.  | 4/30/93  |
| c. A separate meeting will be scheduled and appropriate indemnification will be determined and instituted. | 4/1/93   |
| d. Procedure has been implemented.<br>Also see internal memo of 2/5/93.                                    | Complete |

We believe this summary addresses all the concerns raised in Mr. Edsall's memorandum of Feb. 3, 1993. Windsor Crest and New Hilltop Development look forward to working together with the Town of New Windsor in completing Phase One and finalizing and building Phase Two. New Hilltop Development stands ready, committed to creating a community of which we can all be proud.

Sincerely,



Michael Landau, President  
New Hilltop Development

CC: Town of New Windsor Planning Board  
Supervisor Green NW  
Greg Shaw SE  
Michael Waskew NHD

ENCLOSURES

TO: FILE

FROM: GEORGE J. MEYERS, SUPERVISOR

DATE: NOVEMBER 19, 1997

SUBJECT: WINDSOR CREST

On November 18, 1997, held a meeting with Planning Board Engineer Mark Edsall and Windsor Crest Developer Michael Gervis and the following issues were discussed and resolved:

1. Roads - To bond final course - Phase 1 & 2 - Will get price from contractor and advise
2. Curbs - To bond dollar amount to be assigned by Mike Babcock (?)
3. Landscaping - To bond \$10,000.00
4. Light Poles - Phase 1 - Homeowner  
Phase 2 - Developer  
Mr. Gervis to correct problem in Phase 2
5. Letter of Credit - \$39,000.00 Letter of Credit by November 21, 1997 for:
  - A. North entrance reconstruction
  - B. Sidewalks and curbs - Route 32
  - C. Bus shelter
6. Recycle Bin - Planning Board agenda December 1997
7. Landscaping-Millar Unit - Will plant nine (9) white pines and three (3) or four (4) flowering trees
8. Stonewall - Phase 3 - Mark Edsall to check and advise
9. Drainage Issues - Re: New York State Department of Environmental Conservation regulations - Developer to correct

GJM/dg

cc: Mark Edsall, Planning Board Engineer  
Michael Babcock, Buildings and Grounds  
James Petro, Planning Board Chairman  
Myra Mason, Planning Board Secretary

Phil



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

1 October 1997

New Hilltop Development Corp  
16 East 34th Street - 16th Floor  
New York, New York 10016

**ATTENTION:** MICHAEL GERVIS

**SUBJECT:** WINDSOR CREST CONDOMINIUM PROJECT  
COMPLETION OF ROUTE 32 IMPROVEMENTS  
MHE JOB NO. 87-55/T93-2

Dear Mr. Gervis:

Representatives of the Town of New Windsor recently reviewed the status of several items relating to the subject project and have determined that certain work has not been completed and the Performance Guarantee for the completion is no longer in force. Specifically, New Hilltop Development Corp previously had in effect a Letter of Credit which guaranteed the completion of sidewalk and curb work along Route 32, and also guaranteed the reconstruction of the north entrance onto Windsor Highway to correct deficient work. The completion of the aforementioned work was deferred at the time of consideration since certain improvements were anticipated to be performed by the New York State Department of Transportation and the specific design criteria of those improvements had not yet been determined. Currently, the NYSDOT improvements have been completed and there is no basis for further delay in the completion of the New Hilltop improvements.

Based on the above, please consider this letter notification that New Hilltop Development Corp should immediately proceed with the completion of the curb, sidewalk and roadway reconstruction

1 October 1997

improvements, as well as the bus shelter required as a condition of the site plan approval. We believe it is reasonable to expect that all these improvements will be completed no later than 1 November 1997 and New Hilltop Development Corp should proceed to complete same in this timeframe.

If you have any questions regarding the above, please do not hesitate to contact the undersigned.

Very truly yours,

**TOWN OF NEW WINDSOR**



Mark J. Edsall, P.E.  
Planning Board Engineer

MJEmk

cc: George J. Meyers, Town Supervisor  
James Petro, Planning Board Chairman  
Michael Babcock, Town Building Inspector

A:GERVIS.mk

**WINDSOR CREST CONDOMINIUM I**  
**c/o Interstate Property Management Inc.**

Post Office Box 565  
Harriman, New York 10926  
Tel: 914-782-2230

June 8, 1994

- New Hilltop Development Corporation  
16 East 34th Street, 16th Floor  
New York, NY 10016
- New Hilltop Development Corporation  
232 New Windsor Highway  
New Windsor, NY 12553

Re: Windsor Crest Condominium I

Gentlemen:

The following list of items was compiled by the residents and board members of Windsor Crest Condominium I. The board is concerned that many deficiencies exist that are not being corrected in a reasonable amount of time. Considerable damage is being done to homes due to the negligence of the sponsor to remedy punch list items and deficiencies that have not been corrected.

At this time, the Board of Managers of Windsor Crest Condominium I respectfully requests a response from the sponsor as to the scheduled dates of completion for the following items. The Sponsor is given ten (10) business days to respond to this letter/list in writing.

As the sponsor has neglected to perform satisfactorily corrective action scheduled in the past, the Board of Managers is forwarding a copy of this letter to the Attorney General's office, and to the New Windsor Town Supervisors office. All legal actions will be pursued by the Board of Managers should the sponsor fail to respond to this letter or default on any part of a schedule provided as a result of this letter.

The owners at Windsor Crest Condominium I feel they have not received what they were promised both verbally by the sponsors sales staff and by the offering plan/prospectus.

It is the objective of the board to see Windsor Crest Condominium I brought to the condition expected by the residents when sold their homes as offered by the offering plan provided by the sponsor. Furthermore, the Board of Managers of Windsor Crest Condominium I will not accept the common elements of the property or officially accept the HOA until all of the below listed items are corrected.

List of Sponsor Action items:

1. **ENTRANCE LIGHTING:** Existing lighting is totally inadequate at both entrances. Proper intersection lighting was promised early in 1993 and the need was reaffirmed at subsequent discussions of the problem. Unsafe condition still exists.
2. **SWIMMING POOL:** Problem with leaking existed all through 1993 season and is still not corrected at start of 1994 season. This condition must be repaired.
3. **SPRINKLER SYSTEM:** System was defective since it was first installed. Sponsor was advised time and time again with no response. System must now be abandoned and new system installed.

6/13/94 C

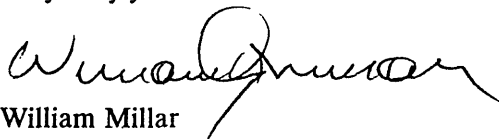
4. **LANDSCAPING:** The whole development has dead trees and shrubs. Sod missing and damaged and some areas where landscaping never completed. Corrective action was promised on a weekly basis through the summer of 1993. Never corrected. Some additional items for examples:
  - a. Building 7 never completed.
  - b. Many dead, dying shrubs and trees.
  - c. Sod never replaced where curbs were repaired.
5. **DRAINAGE:** Sewer main installed at rear of building 7 in 1993. Initial grading and sod had to be corrected. Second attempt resulted in water being directed towards building. Specifically unit 52 developed water intrusion. Repeated promises of correction never carried out.
6. **DECK REPAIRS:** All decks, porches and stairs require inspection, repair, and sealing as started and promised. This correction was started in 1993 but stopped almost as quickly as started. Some additional examples:
  - a. Building 7 front and rear decks never treated/stained.
  - b. All decks need to be inspected as many repairs are required from construction.
7. **RETENTION PONDS:** For nearly 1.5 years, promises have been made to residents and the town planning board that the two ponds would be completed. The latest written schedule calls for final correction by June 1, 1994. This obviously will not be met. Fencing, landscaping, basin completion, etc., work still required. Some additional examples:
  - a. Fencing was never properly installed or repaired.
  - b. Cosmetic improvements needed.
  - c. Basin areas should have been cleaned out.
8. **ROADS, CURBING, ETC.:** Curbing repairs needed throughout development. Catch basins require repair & painting as well as cleaning. Final road surfacing (all Roads) necessary.. Some additional comments:
  - a. Final road top coat needs to be applied (after digging of pump station completed).
  - b. Curbing repairs needed around site from poor installation/construction damage.
9. **SIDEWALKS:** Repairs required throughout development and sidewalks completed as per site plan. Additional comments:
  - a. Repairs needed near pool/clubhouse area.
  - b. Areas need to be installed/completed.
10. **STONE WALLS:** Repairs and stabilization needed in various locations. Stone wall near units 11 - 15 requires repair.
11. **PUMP HOUSE:** Promised to be operational during mid 1993. Date advanced to January 1, 1994. Date advanced to June 1, 1994 in written agreement with town board, this has now become an "In-house" project and again the promised date has not been met.
12. **RECYCLING CENTER:** Stone work broken when roof installed and no electric power for lights installed. Unsafe at night.
13. **WATER INTRUSION:** Basements of units 52 and 8 have water leaks. Correction promised since mid 1993.



14. ROOF CONDITION: Independent inspection reveals the roofs on buildings 3,4,5,7,&8 are in deplorable condition. Recent extensive repairs are totally unacceptable. Leaks developed in 3 buildings after repairs completed. Damage in one building was extensive. Some shingles appear to be missing. This is a very serious condition requiring immediate attention.
15. UTILITY PEDESTALS: Installed incorrectly. They need to be straightened and cosmetically adjusted. This work was promised in mid 1993.
16. WINDOW LEAKS: For up to seven (7) months, leaks in windows throughout the development have been reported. Some of these conditions are serious and damage is being compounded by failure to correct. Another serious condition being ignored.
17. DRIVEWAY CORRECTION: Garage flooding due to incorrect driveway grade in certain locations. Unit 16 has a very serious problem. As with other problems, response is nonexistent.
18. LEADERS: Installation and size of leaders is inadequate.
19. CLUBHOUSE: Condition unacceptable.
20. Rock wall near unit 15 requires fill.
21. INDIVIDUAL UNIT PROBLEMS: Repeatedly, owners have furnished developer with a list of problems in their individual units. At the request of the sponsor, schedules for correction were arranged by a committee involving many hours coordinating times, etc. for workmen to gain entry, etc. This request was repeated and complied with again and again. The last time was early April 1994. In each instance the correction program lasted for a few days and then stopped. At the suggestion of the same committee, a weekly meeting was held for over 16 weeks in 1993 with the sponsors' representative to try and resolve the problems. It was a lesson in futility.

Your response must be in detail with a schedule date for each item. Please reference the action item as listed above when responding to this letter. A copy of the response from the sponsor will be forwarded to the Attorney Generals office and the office of the New Windsor Town Supervisor.

Very truly yours



William Millar  
President

Windsor Crest Condominium I

cc: • Office of the Attorney General, Oliver Rosengart, Esq.  
• Senator William J. Larkin Jr.  
Town of New Windsor, Office of the Supervisor  
✓ Town of New Windsor, Planning Board  
Town of New Windsor, Building Inspector/Code Enforcement Officer  
Town of New Windsor, Town Engineer  
Windsor Crest Condominium I Board of Managers  
Windsor Crest Home Owners  
Interstate Property Management Inc.

RESULTS OF P.B. MEETING

DATE: September 28, 1994

PROJECT NAME: Windsor Crest Condos PROJECT NUMBER 93-42

\*\*\*\*\*

LEAD AGENCY:

\* NEGATIVE DEC:

M)\_\_\_ S)\_\_\_ VOTE:A\_\_\_ N\_\_\_

\* M)\_\_\_ S)\_\_\_ VOTE:A\_\_\_ N\_\_\_

CARRIED: YES\_\_\_ NO\_\_\_

\* CARRIED: YES:\_\_\_ NO\_\_\_

\*\*\*\*\*

PUBLIC HEARING: M)\_\_\_ S)\_\_\_ VOTE:A\_\_\_ N\_\_\_

WAIVED: YES\_\_\_ NO\_\_\_

SEND TO OR. CO. PLANNING: M)\_\_\_ S)\_\_\_ VOTE:A\_\_\_ N\_\_\_ YES\_\_\_ NO\_\_\_

SEND TO DEPT. OF TRANSPORT: M)\_\_\_ S)\_\_\_ VOTE:A\_\_\_ N\_\_\_ YES\_\_\_ NO\_\_\_

DISAPP: REFER TO Z.B.A.: M)\_\_\_ S)\_\_\_ VOTE:A\_\_\_ N\_\_\_ YES\_\_\_ NO\_\_\_

RETURN TO WORK SHOP: YES\_\_\_ NO\_\_\_

APPROVAL:

M)\_\_\_ S)\_\_\_ VOTE:A\_\_\_ N\_\_\_ APPROVED:\_\_\_

M)\_\_\_ S)\_\_\_ VOTE:A\_\_\_ N\_\_\_ APPR. CONDITIONALLY:\_\_\_

NEED NEW PLANS: YES\_\_\_ NO\_\_\_

DISCUSSION/APPROVAL CONDITIONS:\_\_\_

Clock Tower to be removed \* 2 (S) } MOTION  
DIED FOR  
LACK OF  
a second

Greg Shaw to submit plans for Clock Tower.

Site inspection to be done by the Board. 9/29/94

@ 12:00 noon  
on site



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## MEMORANDUM FOR FILE

1763

TO: WINDSOR CREST PHASE I & II FILE

DATE: DECEMBER 22, 1993

SUBJECT: MEETING HELD AT TOWN HALL - DECEMBER 22, 1993  
REGARDING WINDSOR CREST PROJECT

On this date, a meeting was held at Town Hall with the following people present:

George Meyers, Supervisor-Elect  
James Petro, Planning Board Chairman  
Lincoln Heft, Town Councilman  
Michael Babcock, Building Inspector  
Mark Edsall, P.E., Planning Board Engineer  
Greg Shaw, P.E., Project Engineer  
Michael Landau, Applicant & Property Owner

*President of*

The following is a list of completion dates for unfinished work at the above subject site as discussed at the meeting of December 22, 1993:

<u>Description</u>	<u>Completion Date</u>
1. Retention Ponds	June 1, 1994
2. Storm Water Management Plan	February 1, 1994 <i>2. J</i>
3. Recycle Center	February 1, 1994
4. Sawcut Curbs	Replaced
5. Inspections	Improved
6. Sidewalks	Are Bonded
7. Bus Shelter	Need D.O.T. Info.
8. Pump Station	Operational by June 1, 1994

9. Clock Tower

Make Application  
to Z.B.A. by  
September, 1994

10. Weekly Schedule to be faxed  
to Mark Edsall for upcoming  
week.

11. Willows have been moved and fences  
relocated.



Mr. New Hilltop Dev Corp.

Authorized Signature of Acceptance

1/10/94

Date

Sworn to me this

10<sup>th</sup> day of January, 1994

  
Notary Public

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 1995

Acceptance: \_\_\_\_\_  
Planning Board Chairman Date



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

- ☐ Main Office  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- ☐ Branch Office  
507 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

96-18

18 August 1997

MEMORANDUM

TO: Michael Babcock, Town Building Inspector

FROM: Mark J. Edsall, P.E., Planning Board Engineer

SUBJECT: WINDSOR CREST CONDOMINIUM PROJECT  
FIELD REVIEW 15 AUGUST 1997

This memorandum shall confirm our field review on the afternoon of 15 August 1997 of the subject project. This field review was a follow-up to our meeting with Michael Gervis, at which time we advised him that we believed the site improvement work was "falling behind" relative to the building construction and occupancy. Further, we advised him that the "level" of site landscaping was deficient, in many areas, relative to the approved plans (including typical layout drawing). We gave Mr. Gervis approximately one month to make progress in rectifying this condition, having advised him that we expected a visual difference at the time of our return.

This memorandum will confirm our observation that no significant change has occurred at the site, from that unacceptable condition previously observed. A small amount of required sidewalks have been installed, although it is noted that this was done incorrectly, without the necessary handicapped ramp being provided.

I suggest we take action to cause the site improvements to progress, and schedule a follow-up meeting with Mr. Gervis to make it clear that these site improvements are not optional.

Respectfully submitted,

A handwritten signature in cursive script that reads 'Mark J. Edsall'.

Mark J. Edsall, P.E.  
Planning Board Engineer  
MJesh

cc: James Petro, Planning Board Chairman

a:babcock.sh



W. GOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.

HAUSER, P.E.

WILLIAM J. EDSALL, P.E.

JAMES H. FARR, P.E.

45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640

☐ Branch Office  
507 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

12/4/97  
To G.M.

The following wording should be included in the Letter of Credit or, if a cash deposit is made with the Town, should be acknowledged by the developer (additional provisions may be required if a bond or LOC):

The following values are established as a performance guarantee in connection with the New Hilltop Development Corp./Windsor Crest Project as approved by the New Windsor Planning Board, for non-completed work on the site at the time of requests for related Certificates of Occupancy. The Town reserves the right to determine any reductions to the aggregate amount based on future partial completions of work and the determination of the amount of the reduction(s) are at the sole discretion of the Town.

Key Site Improvements Estimate

<u>Item</u>	<u>Estimated Amount</u>
Finish Course Paving (Phases I & II)	\$40,000
Supplemental Landscaping (Ph.II)	\$10,000
Rt.32 Sidewalks and Curb	\$28,675
Rt.32 Bus Shelter	\$ 5,000
Reconstruct North Project Entrance	\$ 8,000
Replacement Curbing (Ph.II)	\$ 4,250
Reconstruction Catch Basins (Ph.II)	\$ 4,000
Supplemental Curtain Drains and Yard Inlets (Ph.II)	\$ 4,500
Completion of Site Lighting (Ph.II)	\$ <u>3,000</u>
	\$107,425

MICHAEL GERVIS

ATTORNEY AT LAW  
305 BROADWAY  
NEW YORK, N.Y. 10007

TEL. (212) 571-2181

FAX (212) 393-1189

December 27, 1995

McGoey, Hauser and Edsall  
Consulting Engineers P.C.  
45 Quassaick Avenue  
New Windsor, N. Y. 12553

Att: Mark J. Edsall, P.E.

Re: Windsor Crest Condominium  
Project

Dear Mark,

You no doubt recall that in 1993, New Hilltop Development Corp. presented to the Town of New Windsor a Letter of Credit in the sum of \$49,000.00 This sum included an amount of "at least" \$10,000.00 for storm drainage and piping on Margo Street (off-site).

This work was satisfactorily completed and in the circumstances, kindly use your good offices to have the Planning Board authorize the reduction of the Letter of Credit by an appropriate amount.

Best wishes to you for a healthy and happy New York.

*Reyes*  
Michael Gervis  
*Rich/L*

7/5/11/12/13  
11/17/93



*[Handwritten signature]*

RECEIVE AND FILE-LETTER OF CREDIT

Hearing no objections, the Town Board of the Town of New Windsor receive and file with the Town Clerk a Letter of Credit for Windsor Crest Condominiums in the amount of \$49,000.00, naming the Town of New Windsor as beneficiary.





# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
Telephone: (914) 563-4630  
Fax: (914) 563-4693

## OFFICE OF ATTORNEY FOR TOWN

November 13, 1997

Michael Gervis, Esq.  
305 Broadway  
New York, N. Y. 10007

**Re: Windsor Crest Condominium Project  
Completion of Route 32 Improvements**

Dear Michael:

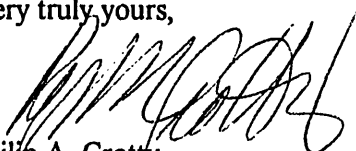
I am replying to your letter to Town Supervisor George J. Meyers dated October 27, 1997. In that letter you stated that the Letter of Credit was still in force.

I requested that the Town Clerk give me a copy of the existing Letter of Credit. I notice that the expiration date in the Town files is November 1, 1996. Therefore I called Chemical Bank with which the Letter of Credit is issued. The lady at Chemical told me that the Letter of Credit is "not on the system." The telephone number at Chemical is (212)638-2033.

I would appreciate your looking into this matter and following up with a bonafide Letter of Credit properly naming the Town of New Windsor and dated until November 1, 1998.

Thank you for your cooperation.

Very truly yours,



Philip A. Crotty  
Attorney for the Town  
pac/pab

cc: George J. Meyers, Supervisor  
Mark J. Edsall, P. E.  
Lawrence Reis, Comptroller  
Dorothy H. Hansen, Town Clerk



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

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PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

1-3

TOWN/VILLAGE OF New Windsor P/B #        -       

WORK SESSION DATE: 10 Nov 99 APPLICANT RESUB.  
REQUIRED: No

REAPPEARANCE AT W/S REQUESTED: maybe

PROJECT NAME: Windsor Crest. - Use of Bond \$

PROJECT STATUS: NEW x OLD       

REPRESENTATIVE PRESENT: Mr. & Mrs. V.

MUNIC REPS PRESENT: BLDG INSP.         
FIRE INSP. h.v.  
ENGINEER x  
PLANNER         
P/B CHMN.         
OTHER (Specify)       

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

Ultimate  
did while  
doing  
WL  
X-comm

- Boulders exposed
- exposed electrical wires (maybe tele & cable)
- broke sidewalk
- damaged landscaping

USE OF 100 G : 1) Bus Shelter ← then, want i-fb.  
2) tree removal (possibly consider landscaping)

3) See attached list

CLOSING STATUS  
Set for agenda  
possible agenda item  
Discussion item for agenda  
ZBA referral on agenda

pbwsform 10MJ98



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
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PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE ?

TOWN/VILLAGE OF New Windsor P/B #     

WORK SESSION DATE: 18 Jun 97 APPLICANT RESUB.  
REQUIRED:     

REAPPEARANCE AT W/S REQUESTED: No

PROJECT NAME: Wind Crest Phase II Complaint

PROJECT STATUS: NEW      OLD     

REPRESENTATIVE PRESENT: Al Dandretta / Nicora

MUNIC REPS PRESENT: BLDG INSP.       
FIRE INSP. bb  
ENGINEER X  
PLANNER       
P/B CHMN.       
OTHER (Specify)     

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- Q - along north A of Wind Crest  
are plantings required for Phase II

- General non-conformance with sheet 10/13  
(Landscaping Plan) of Wind Crest II stayed 11/15/93  
\* Also 4/4 of Amendment stayed 11/4/96

- Drainage behind unit shown on 4/4 (not fully in)  
Unit # 144 transformer in front of entrance  
south road app 10' X road

- Get Recycling Centers open.

4MJES1 pbwsform

**CHEMICAL**

Chemical Bank  
Trade Services Group  
P.O. Box 44, Church Street Station  
New York, N.Y. 10008  
Cable Address: Chemical New York

APRIL 15, 1996 5/14/96 @  
L/C NO.: T-218343  
AMENDMENT NO: 4

*Myra: Phil signed &  
sent back to atty for  
New Hilltop as  
below.*

**Advising Bank**

\*\*\*\*\* DIRECT \*\*\*\*\*

**APPLICANT:**

NEW HILLTOP DEVELOPMENT CORP.  
16 EAST 34TH STREET 16TH FLOOR  
NEW YORK N.Y. 10016

**Beneficiary**

TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12550

IN ACCORDANCE WITH INSTRUCTIONS RECEIVED, THE ABOVE-REFERENCED  
LETTER OF CREDIT HAS BEEN AMENDED AS FOLLOWS:

- 1 - LETTER OF CREDIT AMOUNT IS DECREASED BY USD 10,000.00 (TEN THOUSAND AND 00/100 UNITED STATES DOLLARS).

THE AGGREGATE AMOUNT AVAILABLE UNDER THIS LETTER OF CREDIT SHALL NOT EXCEED USD39,000.00.

PLEASE DIRECT YOUR REPLIES REGARDING CONSENT BY MAIL OR TELEX TO THE ATTENTION OF THE STANDBY LETTER OF CREDIT DEPARTMENT, LOCATED AT ROOM 1708, 55 WATER STREET, NEW YORK, N.Y. 10041.

ALL OTHER TERMS AND CONDITIONS OF THE CREDIT REMAIN UNCHANGED.

NOTE: KINDLY SIGNIFY YOUR CONSENT TO THIS AMENDMENT BY SIGNING AND RETURNING THE ENCLOSED COPY DIRECTLY TO US OR THE ADVISING BANK (IF ONE IS PRESENT) FOR TRANSMISSION TO US. YOUR IMMEDIATE ATTENTION TO THIS MATTER WILL BE APPRECIATED IN ORDER THAT WE MAY COMPLETE OUR RECORDS.

4/30/96  
AMEND  
T-218343  
LETTER OF CREDIT NO. T-218343  
NAME OF COMPANY: TOWN OF NEW WINDSOR  
SIGNATURE: *[Signature]*  
NAME AND TITLE: *[Signature]*

PLEASE BE ADVISED THAT THIS  
AMENDMENT BECOMES EFFECTIVE  
ONLY UPON BENEFICIARY'S CONSENT

*Copy sent back to on 4/30/96.*  
*(PMS)*

*[Signature]*

Authorized Signature

T-218343- -031-A1-01-02-01



Chemical Bank  
Trade Services Group  
P.O. Box 44, Church Street Station  
New York, N.Y. 10008  
Cable Address: Chemical New York

APRIL 15, 1996  
L/C NO.: T-218343  
AMENDMENT NO: 4

Advising Bank

\*\*\*\*\* DIRECT \*\*\*\*\*

APPLICANT:

NEW HILLTOP DEVELOPMENT CORP.  
16 EAST 34TH STREET 16TH FLOOR  
NEW YORK N.Y. 10016

Beneficiary

TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12550

IN ACCORDANCE WITH INSTRUCTIONS RECEIVED, THE ABOVE-REFERENCED LETTER OF CREDIT HAS BEEN AMENDED AS FOLLOWS:

- 1 - LETTER OF CREDIT AMOUNT IS DECREASED BY USD 10,000.00 (TEN THOUSAND AND 00/100 UNITED STATES DOLLARS).

THE AGGREGATE AMOUNT AVAILABLE UNDER THIS LETTER OF CREDIT SHALL NOT EXCEED USD39,000.00.

PLEASE DIRECT YOUR REPLIES REGARDING CONSENT BY MAIL OR TELEX TO THE ATTENTION OF THE STANDBY LETTER OF CREDIT DEPARTMENT, LOCATED AT ROOM 1708, 55 WATER STREET, NEW YORK, N.Y. 10041.

ALL OTHER TERMS AND CONDITIONS OF THE CREDIT REMAIN UNCHANGED.

NOTE: KINDLY SIGNIFY YOUR CONSENT TO THIS AMENDMENT BY SIGNING AND RETURNING THE ENCLOSED COPY DIRECTLY TO US OR THE ADVISING BANK (IF ONE IS PRESENT) FOR TRANSMISSION TO US. YOUR IMMEDIATE ATTENTION TO THIS MATTER WILL BE APPRECIATED IN ORDER THAT WE MAY COMPLETE OUR RECORDS.

THE ORIGINAL OF THIS LETTER WAS SENT TO YOU ON THE DATE INDICATED. HOWEVER UP TO THE PRESENT TIME WE DO NOT APPEAR TO HAVE RECEIVED YOUR REPLY. PLEASE FAVOR US WITH YOUR COMMENTS AT YOUR EARLIEST CONVENIENCE.

DATE: \_\_\_\_\_  
WE HEREBY ACCEPT THE  
ABOVE AMENDMENT TO  
LETTER OF CREDIT NO. \_\_\_\_\_  
NAME OF COMPANY \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_  
NAME AND TITLE: \_\_\_\_\_

*Send Replies to:*  
CHEMICAL BANK  
55 WATER STREET Room 1708  
NEW YORK, N.Y. 10041

*R. Clement*  
Authorized Signature

T-218343- -031-A1-01-02-01



Chemical Bank  
Trade Services Group  
P.O. Box 44, Church Street Station  
New York, N.Y. 10008  
Cable Address: Chemical New York

APRIL 15, 1996  
L/C NO.: T-218343  
AMENDMENT NO: 4

Advising Bank

\*\*\*\*\* DIRECT \*\*\*\*\*

APPLICANT:

NEW HILLTOP DEVELOPMENT CORP.  
16 EAST 34TH STREET 16TH FLOOR  
NEW YORK N.Y. 10016

Beneficiary

TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12550

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LETTER OF CREDIT HAS BEEN AMENDED AS FOLLOWS:

- 1 - LETTER OF CREDIT AMOUNT IS DECREASED BY USD 10,000.00 (TEN THOUSAND AND 00/100 UNITED STATES DOLLARS).

THE AGGREGATE AMOUNT AVAILABLE UNDER THIS LETTER OF CREDIT SHALL NOT EXCEED USD39,000.00.

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NOTE: KINDLY SIGNIFY YOUR CONSENT TO THIS AMENDMENT BY SIGNING AND RETURNING THE ENCLOSED COPY DIRECTLY TO US OR THE ADVISING BANK (IF ONE IS PRESENT) FOR TRANSMISSION TO US. YOUR IMMEDIATE ATTENTION TO THIS MATTER WILL BE APPRECIATED IN ORDER THAT WE MAY COMPLETE OUR RECORDS.

TRACE

DATE

THE ORIGINAL OF THIS LETTER WAS SENT TO YOU ON THE DATE INDICATED. HOWEVER UP TO THE PRESENT TIME WE DO NOT APPEAR TO HAVE RECEIVED YOUR REPLY. PLEASE FAVOR US WITH YOUR COMMENTS AT YOUR EARLIEST CONVENIENCE.

DATE: \_\_\_\_\_  
WE HEREBY ACCEPT THE  
ABOVE AMENDMENT TO  
LETTER OF CREDIT NO. \_\_\_\_\_  
NAME OF COMPANY \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_  
NAME AND TITLE: \_\_\_\_\_

Send Replies to:  
CHEMICAL BANK  
55 WATER STREET Room 1708  
NEW YORK, N.Y. 10041

Authorized Signature

T-218343- -031-A1-01-02-01



**McGOEY, HAUSER and EDSALL**  
**CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

- ☐ **Main Office**  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- ☐ **Branch Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

11 January 1996

Andrew Krieger, Esq.  
219 Quassaick Avenue  
New Windsor, New York 12553

**SUBJECT:            WINDSOR CREST CONDOMINIUM PROJECT**  
**NEW HILLTOP DEVELOPMENT CORP.**  
**PROJECT IRREVOCABLE LETTER OF CREDIT**  
**MHE JOB NO. 87-55/T93-2**

Dear Andy:

Attached hereto, please find a letter dated 27 December 1995 from Michael Gervis, representing New Hilltop Development Corp. As you will note in his letter, he is requested a reduction in the Letter of Credit based on their completion of the storm drainage improvements on Margo Street, which was a component included in the Letter of Credit issued to the Town of New Windsor.

Please be advised that it is our opinion that the drainage improvements on Margo Street have been completed in an acceptable fashion. I have contacted Supervisor Meyers, who concurs with this position. Based on same, it is my recommendation that the Planning Board accept a reduction in the Irrevocable Letter of Credit, with such reduction being an amount of \$10,000.00.

Myra Mason has provided me with a copy of the Irrevocable Letter of Credit. A copy is attached hereto for your convenience. Your attention is directed to the work referenced under

Andrew Krieger, Esq.

Page 2

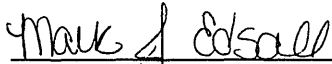
11 January 1996

"Statement C" in the Letter of Credit, which involves this off-site drainage work. It is our position that the work referenced under "Statement C" has been satisfactorily completed.

I request that you contact Michael Gervis directly to arrange for the necessary steps in accomplishing the reduction.

Very truly yours,

**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS, P.C.**



Mark J. Edsall, P.E.  
Planning Board Engineer

MJEmk  
Encl.as

cc: George J. Meyers, Town Supervisor  
Larry Reis, Town Comptroller  
Michael Babcock, Town Building Inspector  
James Petro, Planning Board Chairman

A:KRIEGE.mk



MEMORANDUM

TO: TOWN OF NEW WINDSOR TOWN BOARD

FROM: NEW WINDSOR PLANNING BOARD

SUBJECT: RECEIVE & FILE LETTER OF CREDIT FOR:  
WINDSOR CREST CONDOMINIUMS (P.B. FILE #92-42)  
WINDSOR HIGHWAY  
TOWN OF NEW WINDSOR, NY

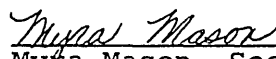
DATE: NOVEMBER 15, 1993

Please find attached a "Letter of Credit" for Windsor Crest Condominiums in the amount of \$49,000.00, naming as beneficiary the Town of New Windsor, to be received and filed by the Town Clerk of the Town of New Windsor.

Please note the expiration date for subject document, as specified in "Amendment #2", is November 1, 1996.

We hope the above information is satisfactory for processing this document and if you should have any questions in the interim, please contact our office.

Very truly yours,

  
Myra Mason, Secretary to the P.B.

MLM:mlm

cc: Pauline Townsend, Town Clerk - w/attachment  
Larry Reis, Comptroller - w/attachment  
Mark Edsall, P.E., P.B. Engineer - w/attachment  
Andrew Kreiger, Atty. for the P.B. - w/attachment  
P.B. File #92-42

Chemical Bank  
Trade Services Group  
P.O. Box 44, Church Street Station  
New York, N.Y. 10008  
Cable Address: Chemical New York

ISSUE DATE: SEPTEMBER 24, 1993  
L NO.: T-218343

**Advising Bank**

\*\*\*\*\* DIRECT \*\*\*\*\*

**APPLICANT:**

NEW HILLTOP DEVELOPMENT CORP.  
16 EAST 34TH STREET 16TH FLOOR  
NEW YORK N.Y. 10016

**Beneficiary**

TOWN OF NEW WINDSOR PLANNING BOARD  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12550

AMOUNT: USD 42,800.00  
(FORTY TWO THOUSAND EIGHT  
HUNDRED AND 00/100 UNITED  
STATES DOLLARS)

WE HEREBY ESTABLISH THIS IRREVOCABLE LETTER OF CREDIT NO. T-218343 IN YOUR FAVOR FOR AN AGGREGATE AMOUNT NOT TO EXCEED THE AMOUNT INDICATED ABOVE, EXPIRING AT OUR COUNTERS IN NEW YORK WITH OUR CLOSE OF BUSINESS ON NOVEMBER 01, 1994.

THIS LETTER OF CREDIT IS AVAILABLE WITH CHEMICAL BANK, NEW YORK AGAINST PRESENTATION OF YOUR DRAFT AT SIGHT DRAWN ON CHEMICAL BANK, NEW YORK WHEN ACCOMPANIED BY THE DOCUMENTS INDICATED HEREIN.

**STATEMENT A.**

BENEFICIARY'S DATED STATEMENT PURPORTEDLY SIGNED BY ONE OF ITS OFFICIALS READING: "THE AMOUNT OF THIS DRAWING USD\*\*\*\*\* UNDER CHEMICAL BANK LETTER OF CREDIT NUMBER T-218343 REPRESENTS FUNDS DUE US AS NEW HILLTOP DEVELOPMENT CORP. HAS NOT COMPLETED THE INSTALLATION OF 775 L.F. OF CONCRETE CURBING AND SIDEWALK (4 FEET WIDE) ON WINDSOR HIGHWAY. WE FURTHER CERTIFY THAT THE AMOUNT OF THE ACCOMPANYING DRAFT REPRESENTS THE AMOUNT REQUIRED TO COMPLETE THE UNFINISHED WORK LESS ANY AMOUNTS ALREADY EXPENDED, IF ANY, TO COMPLETE SUCH WORK."

AND/OR

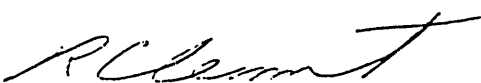
**STATEMENT B.**

BENEFICIARY'S DATED STATEMENT PURPORTEDLY SIGNED BY ONE OF ITS OFFICIALS READING: "THE AMOUNT OF THIS DRAWING USD\*\*\*\*\* UNDER CHEMICAL BANK LETTER OF CREDIT NUMBER T-218343 REPRESENTS FUNDS DUE US AS NEW HILLTOP DEVELOPMENT CORP. HAS NOT COMPLETED THE REMOVAL OF EXISTING MACADAM BINDER AND R.O.B. GRAVEL AT THE NORTH ENTRANCE ONTO WINDSOR HIGHWAY REGRADE EXISTING SUBASE, AND INSTALL NEW 8" COURSE OF R.O.B. GRAVEL AND 4" COURSE OF MACADAM BINDER. WE FURTHER CERTIFY THAT THE AMOUNT OF THE ACCOMPANYING DRAFT REPRESENTS THE AMOUNT REQUIRED TO COMPLETE THE UNFINISHED WORK LESS ANY AMOUNTS ALREADY EXPENDED, IF ANY, TO COMPLETE SUCH WORK."

AND/OR

-CONTINUED-

T-218343-- -001-L1-01-02-01

  
Authorized Signature

- 1 -

Provisions applicable to this credit

This credit is subject to the Uniform Customs and Practice for Documentary Credits (1983 Revision.) International Chamber of Commerce Publication No. 400

Chemical Bank  
Trade Services Group  
P.O. Box 44, Church Street Station  
New York, N.Y. 10008  
Cable Address: Chemical New York

ISSUE DATE: SEPTEMBER 24, 1993  
L NO.: T-218343

**Advising Bank**

\*\*\*\*\* DIRECT \*\*\*\*\*

**APPLICANT:**

NEW HILLTOP DEVELOPMENT CORP.  
16 EAST 34TH STREET 16TH FLOOR  
NEW YORK N.Y. 10016

**Beneficiary**

TOWN OF NEW WINDSOR PLANNING BOARD  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12550

AMOUNT: USD 42,800.00  
(FORTY TWO THOUSAND EIGHT  
HUNDRED AND 00/100 UNITED  
STATES DOLLARS)

**STATEMENT C.**

BENEFICIARY'S DATED STATEMENT PURPORTEDLY SIGNED BY ONE OF ITS OFFICIALS READING: "THE AMOUNT OF THIS DRAWING USD \*\*\*\*\* UNDER CHEMICAL BANK LETTER OF CREDIT NUMBER T-218343 REPRESENTS FUNDS DUE US AS NEW HILLTOP DEVELOPMENT CORP. HAS NOT COMPLETED THE INSTALLING OF STORM DRAINAGE PIPING AND CATCH BASINS ON MARGO STREET INCLUDING RESTORATION OF DISTURBED SURFACES. WE FURTHER CERTIFY THAT THE AMOUNT OF THE ACCOMPANYING DRAFT REPRESENTS THE AMOUNT REQUIRED TO COMPLETE THE UNFINISHED WORK LESS ANY AMOUNTS ALREADY EXPENDED, IF ANY, TO COMPLETE SUCH WORK."

DRAWINGS UTILIZING STATEMENT A SHALL NOT EXCEED AN AGGREGATE AMOUNT OF USD24,800.00.


DRAWINGS UTILIZING STATEMENT B SHALL NOT EXCEED AN AGGREGATE AMOUNT OF USD8,000.00.

DRAWINGS UTILIZING STATEMENT C SHALL NOT EXCEED AN AGGREGATE AMOUNT OF USD10,000.00

PLEASE DIRECT ALL CORRESPONDENCE IN CONNECTION WITH THIS LETTER OF CREDIT TO THE ATTENTION OF THE STANDBY LETTER OF CREDIT DEPARTMENT, 55 WATER STREET, 17TH FLOOR, ROOM 1708, NEW YORK, NEW YORK 10041. CUSTOMER INQUIRY NUMBERS (212) 638-3473 AND (212) 638-3321.

WE HEREBY ISSUE THIS DOCUMENTARY CREDIT IN YOUR FAVOR. IT IS SUBJECT TO THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS (1983 REVISION INTERNATIONAL CHAMBER OF COMMERCE, PARIS, FRANCE PUBLICATION NO. 400) AND ENGAGES US IN ACCORDANCE WITH THE TERMS THEREOF. THE NUMBER AND THE DATE OF OUR CREDIT AND THE NAME OF OUR BANK MUST BE QUOTED ON ALL DRAFTS REQUIRED. IF THE CREDIT IS AVAILABLE BY NEGOTIATION, EACH PRESENTATION MUST BE NOTED ON THE REVERSE OF THIS ADVICE BY THE BANK WHERE THE CREDIT IS AVAILABLE.

T-218343- -001-L1-01-02-01

Authorized Signature 

- 2 -

Provisions applicable to this credit

This credit is subject to the Uniform Customs and Practice for Documentary Credits (1983 Revision.) International Chamber of Commerce Publication No. 400

Chemical Bank  
Trade Services Group  
P.O. Box 44, Church Street Station  
New York, N.Y. 10008  
Cable Address: Chemical New York

OCTOBER 22, 1993  
L/ NO.: T-218343  
AMENDMENT NO: 1

**Advising Bank**

\*\*\*\*\* DIRECT \*\*\*\*\*

APPLICANT:  
NEW HILLTOP DEVELOPMENT CORP.  
16 EAST 34TH STREET 16TH FLOOR  
NEW YORK N.Y. 10016

**Beneficiary**

TOWN OF NEW WINDSOR PLANNING BOARD  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12550

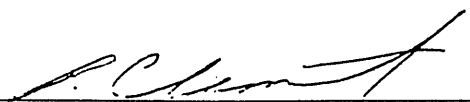
IN ACCORDANCE WITH INSTRUCTIONS RECEIVED, THE ABOVE-REFERENCED  
LETTER OF CREDIT HAS BEEN AMENDED AS FOLLOWS:

- 1 - LETTER OF CREDIT AMOUNT IS INCREASED BY USD 6,200.00 (SIX THOUSAND TWO HUNDRED AND 00/100 UNITED STATES DOLLARS).

THE AGGREGATE AMOUNT AVAILABLE UNDER THIS LETTER OF CREDIT SHALL NOT EXCEED USD49,000.00.

THE PARAGRAPH READING "DRAWINGS UTILIZING STATEMENT A SHALL NOT EXCEED AN AGGREGATE AMOUNT OF USD24,800.00." IS HEREBY AMENDED TO INCREASED BY USD6,200.00 TO AN AGGREGATE AMOUNT OF USD31,000.00.

ALL OTHER TERMS AND CONDITIONS OF THE CREDIT REMAIN UNCHANGED.

  
Authorized Signature

T-218343- -003-A1-01-02-01

Provisions applicable to this credit

This credit is subject to the Uniform Customs and Practice for Documentary Credits (1983 Revision.) International Chamber of Commerce Publication No. 400



Chemical Bank  
Trade Services Group  
P.O. Box 44, Church Street Station  
New York, N.Y. 10008  
Cable Address: Chemical New York

CTOBER 22, 1993  
L/ NO.: T-218343  
AMENDMENT NO: 2

Advising Bank

\*\*\*\*\* DIRECT \*\*\*\*\*

APPLICANT:  
NEW HILLTOP DEVELOPMENT CORP.  
16 EAST 34TH STREET 16TH FLOOR  
NEW YORK N.Y. 10016

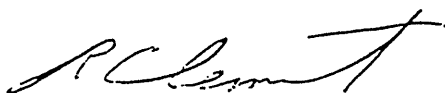
Beneficiary

TOWN OF NEW WINDSOR PLANNING BOARD  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12550

IN ACCORDANCE WITH INSTRUCTIONS RECEIVED, THE ABOVE-REFERENCED  
LETTER OF CREDIT HAS BEEN AMENDED AS FOLLOWS:

1 - THE EXPIRATION DATE IS EXTENDED TO NOVEMBER 01, 1996.

ALL OTHER TERMS AND CONDITIONS OF THE CREDIT REMAIN UNCHANGED.

  
Authorized Signature

T-218343- -004-A1-01-01-01

Provisions applicable to this credit

This credit is subject to the Uniform Customs and Practice for Documentary Credits (1983 Revision.) International Chamber of Commerce Publication No. 400

Chemical Bank  
Trade Services Group  
P.O. Box 44, Church Street Station  
New York, N.Y. 10008  
Cable Address: Chemical New York

NOVEMBER 08, 1993  
L/C NO.: T-218343  
AMENDMENT NO: 3

**Advising Bank**

\*\*\*\*\* DIRECT \*\*\*\*\*

**APPLICANT:**

NEW HILLTOP DEVELOPMENT CORP.  
16 EAST 34TH STREET 16TH FLOOR  
NEW YORK N.Y. 10016

**Beneficiary**


TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12550

IN ACCORDANCE WITH INSTRUCTIONS RECEIVED, THE ABOVE-REFERENCED  
LETTER OF CREDIT HAS BEEN AMENDED AS FOLLOWS:

- 1 - BENEFICIARY'S NAME AND ADDRESS ARE CORRECTED TO READ AS  
INDICATED ABOVE.

ALL OTHER TERMS AND CONDITIONS OF THE CREDIT REMAIN UNCHANGED.

T-218343- -006-A1-01-02-01

  
Authorized Signature

Provisions applicable to this credit

This credit is subject to the Uniform Customs and Practice for Documentary Credits (1983 Revision.) International Chamber of Commerce Publication No. 400

**CHEMICAL**

Chemical Bank  
Trade Services Group  
P.O. Box 44, Church Street Station  
New York, N.Y. 10008  
Cable Address: Chemical New York

NOVEMBER 08, 1993  
L. NO.: T-218343  
AMENDM. NO: 3

**Advising Bank**

\*\*\*\*\* DIRECT \*\*\*\*\*

**APPLICANT:**

NEW HILLTOP DEVELOPMENT CORP.  
14 EAST 34TH STREET 14TH FLOOR  
NEW YORK N.Y. 10016

**Beneficiary**

TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12550

IN ACCORDANCE WITH INSTRUCTIONS RECEIVED, THE ABOVE-REFERENCED  
LETTER OF CREDIT HAS BEEN AMENDED AS FOLLOWS:

- 1 - BENEFICIARY'S NAME AND ADDRESS ARE CORRECTED TO READ AS  
INDICATED ABOVE.

ALL OTHER TERMS AND CONDITIONS OF THE CREDIT REMAIN UNCHANGED.

*This page attached  
for the signature of  
approval of Andrew Krueger, Atty.  
only.*

*(m)*

*Received verbal approval by phone  
from Mark Edsall on 11/15/93.*

*(m)*

1-218343-- -006-A1-01-02-01

Authorized Signature

Provisions applicable to this credit

This credit is subject to the Uniform Customs and Practice for Documentary Credits (1983 Revision.) International Chamber of Commerce Publication No. 400

WINDSOR CREST

MR. PETRO: Is there any other business? Is there any other business that the Planning Board would like to discuss? Mark, do you have anything?

MR. EDSALL: We're continuing to work on--

MR. PETRO: I see a letter from Landau's project.

MR. EDSALL: Windsor Crest project, just so the board is aware of it, the new one contractor that is working on the site appeared to be an improvement over some of the previous activities but we're still having some problems with the developer advising us when certain construction is occurring so that proper inspections can be made. We're not receiving the schedules on time as we have been promised and there's some problem now and we're having problems in having the applicant follow through on the off-site drainage. He hasn't met the schedule that he had assured the town he would keep so obviously, it's something that the Planning Board doesn't have the pleasure of dealing with every day.

MR. DUBALDI: Who's in charge of the site now, Mark?

MR. EDSALL: Michael Landau and Michael Gerviss (phonetic), which is Mike's brother-in-law law are the two gentlemen who are in charge of that site so--

MR. VAN LEEUWEN: I understand Mike Landau was not removed completely but he doesn't have the say-so anymore, is that true?

MR. EDSALL: I'm not sure. I have talked to Mike about the job and he never gave me the impression he's no longer involved but we haven't been formally notified that he is not the man in charge any longer but we're trying, we're doing our best.

MR. VAN LEEUWEN: Well, it's a little better than it was.

MR. EDSALL: Yeah, the contractor that is working out there seems to have some, is doing quality work. So



April 26, 1995

30

that is helpful.

MR. LANDER: Are they scheduled for inspections, Mark?

MR. EDSALL: Not properly.

MR. VAN LEEUWEN: That is the only thing that is really tough situation with them. How is the workmanship?

MR. EDSALL: Workmanship seems to be good at this point but again that is--

MR. LANDER: If you can't inspect the work, then it's as good as having nothing.

MR. EDSALL: I'd say that it is better compared to a year ago but I don't think it's as good as it could be so we'll keep trying.

MR. BABCOCK: Do you care to set up a site visit for number one, time and date?

MR. LANDER: Next Wednesday, May 3, same time, 6:30, Mr. Chairman, meet at Town Hall.



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

5 May 1995

MAY - 8

- ☐ Main Office  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- ☐ Branch Office  
507 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

## MEMORANDUM

**TO:** George J. Meyers, Town Supervisor

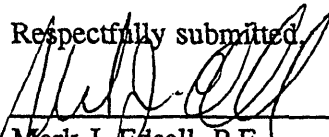
**FROM:** Mark J. Edsall, P.E., Town Consulting Engineer

**SUBJECT:** WINDSOR CREST CONDOMINIUM PROJECT  
OFF-SITE DRAINAGE IMPROVEMENT CONTRACT  
MHE JOB NO. 87-55/T93-2

Attached hereto, please find a copy of the "Proposal and Acceptance" form between New Hilltop Development Corp. and Ultimate Land Developer Company for the off-site drainage improvements in connection with the Windsor Crest Condominium project.

Please note that I received this document on 3 May 1995. Also on that date, I met with representatives of New Hilltop, Ultimate Land Developer and Greg Shaw in the field and discuss the scope of the work. They advised me that they anticipate work beginning on 15 May 1995.

Contact me if you have any questions regarding the above.

Respectfully submitted,  
  
Mark J. Edsall, P.E.  
Town Consulting Engineer

MJEmk  
Encl.as

A:5-5-4E.mk

WINDSOR CREST  
NEW HILLTOP DEVELOPMENT CORP.  
232 Windsor Highway  
New Windsor, NY 12553  
(914) 561-4798  
Fax (914) 569-0400

May 1, 1995

McGoey, Hauser and Edsall  
45 Quassaick Ave  
New Windsor, NY 12553

Sub: Off-Site Drainage Improvements  
MHE Job No. 87-55/T93-2

Attn: Mark J. Edsall

Dear Mr. Edsall:

Please find attached a copy of the signed contract between New Hilltop Development Corporation and Ultimate Land Developers in regard to off-site drainage work.

All of the shop drawings were approved last week by our engineer and to my knowledge are now in production.

We anticipate work to be ready to begin during the week of May 8, 1995.

Very truly yours,

NEW HILLTOP DEVELOPMENT CORP.

Michael Landau

ML:baf  
offsite

CONTRACTOR Noble Enterprises, Inc.  
 ADDRESS 49 South Liberty Drive  
EDMONA Stony Point, New York 10980  
 PHONE (914) 942-1300 FAX (914) 942-0017  
354-5313

# PROPOSAL AND ACCEPTANCE

PROPOSAL SUBMITTED TO: New Hilltop Development Corp.		PHONE (212) 251-0006	FAX (212) 251-0068	DATE
STREET 16 East 34th St.		JOB NAME Windsor Crest Condos		
CITY, STATE, AND ZIP CODE New York, NY 10016		JOB LOCATION 232 Windsor Highway, NY 12553		
ARCHITECT Denker & Bodner	DATE OF PLANS	JOB PHONE (914) 561-8200	FAX PHONE (914) 569-0400	

We hereby submit specifications and estimate for:

Proposal for installation of storm drainage at Margo St. from  
 engineering DWG. for "off-site drainage improvements" prepared by Shaw  
 Engineering, DTD July 15, 1993.

We will install 15" & 18" P.E. pipe 12" ACCMP, pre-cast concrete catch basins w/reticluine grates cast in concrete covers, flushing basin w/conver and restore all distrubed lawn areas & replace mail boxes & signs removed during the construction process.

All materials, labor and machinery will be supplied by ~~Noble Enterprises, Inc~~ "ULTIMATE" to effect a complete drainage system as designed by Shaw Engineering.

New Hilltop will supply or pay for material upon arrival and will be deducted from contract price.

We Propose hereby to furnish material and labor - complete in accordance with the above specifications, for the sum of:

Thirty Thousand Dollars \_\_\_\_\_ dollars (\$ 30,000.00 ).

Payment to be made as follows:

Bills for completed work must be submitted by the 30th of the month. Payment will be made either, less 2% on the 10th or in full on the 30th of the following month.

All work must be completed and signed off as completed by site supervisor and/or the required inspection passed before payment. Contractor responsible to clean up after themselves or be back charged. Contractor must provide full liability insurance coverage naming New Hilltop Development Corp. as additionally Insured prior to commencement of work. All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation insurance.

Authorized  
Signature

Note: This proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature

Michael Landau, President  
New Hilltop Development Corp.

Date of Acceptance \_\_\_\_\_

DTOR Noble Enterprises, Inc.  
 49 South Liberty Drive  
 SS Stony Point, New York 10980  
 PHONE (914) 942-1300 FAX (914) 942-0017

# PROPOSAL AND ACCEPTANCE

PROPOSAL SUBMITTED TO: New Hilltop Development Corp.		PHONE (212) 251-0006	FAX (212) 251-0068	DATE
STREET 16 East 34th St.		JOB NAME Windsor Crest Condos		
CITY, STATE, AND ZIP CODE New York, NY 10016		JOB LOCATION 232 Windsor Highway, NY 12553		
ARCHITECT Denker & Bodner	DATE OF PLANS	JOB PHONE (914) 561-8200	FAX PHONE (914) 569-0400	

We hereby submit specifications and estimate for:

Not included in this proposal

- 1) Survey and Engineer layout and grades
- 2) No base course or asphalt pavement in roadway or private drives.

Note: Pavement cuts, traffic control and installation layout are part of this proposal.

MEMORANDUM FOR FILE

TO: WINDSOR CREST PHASE I & II FILE  
DATE: DECEMBER 22, 1993  
SUBJECT: MEETING HELD AT TOWN HALL - DECEMBER 22, 1993  
REGARDING WINDSOR CREST PROJECT

On this date, a meeting was held at Town Hall with the following people present:

George Meyers, Supervisor-Elect  
James Petro, Planning Board Chairman  
Lincoln Heft, Town Councilman  
Michael Babcock, Building Inspector  
Mark Edsall, P.E., Planning Board Engineer  
Greg Shaw, P.E., Project Engineer  
Michael Landau, Applicant & Property Owner

The following is a list of completion dates for unfinished work at the above subject site as discussed at the meeting of December 22, 1993:

<u>Description</u>	<u>Completion Date</u>
1. Retention Ponds	June 1, 1994
2. Storm Water Management Plan	February 1, 1994
3. Recycle Center	February 1, 1994
4. Sawcut Curbs	Replaced
5. Inspections	Improved
6. Sidewalks	Are Bonded
7. Bus Shelter	Need D.O.T. Info.
8. Pump Station	Operational by June 1, 1994
9. Clock Tower	Make Application to Z.B.A. by September, 1994
10. Weekly Schedule to be faxed to Mark Edsall for upcoming week.	
11. Willows have been moved and fences relocated.	

12/29/93

This memo was not distributed as per M Babcock

1/5/94 cc: Geo. Meyers  
P. Babcock

RESULTS OF P.B. MEETING

DATE: December 22, 1993

PROJECT NAME: Windsor Crest - S.P. PROJECT NUMBER 92-42

\*\*\*\*\*

LEAD AGENCY:

\* NEGATIVE DEC:

M)    S)    VOTE: A    N   

\* M)    S)    VOTE: A    N   

CARRIED: YES    NO   

\* CARRIED: YES:    NO   

\*\*\*\*\*

PUBLIC HEARING: M)    S)    VOTE: A    N   

WAIVED: YES    NO   

SEND TO OR. CO. PLANNING: M)    S)    VOTE: A    N    YES    NO   

SEND TO DEPT. OF TRANSPORT: M)    S)    VOTE: A    N    YES    NO   

DISAPP: REFER TO Z.B.A.: M)    S)    VOTE: A    N    YES    NO   

RETURN TO WORK SHOP: YES    NO   

APPROVAL:

M)    S)    VOTE: A    N    APPROVED:   

M)    S)    VOTE: A    N    APPR. CONDITIONALLY:   

NEED NEW PLANS: YES    NO   

DISCUSSION/APPROVAL CONDITIONS: Mark + Greg to get together + review  
① Retention Ponds - 98% Complete now discuss  
problem

② Both ponds will be complete by June 1, 1994

③ Recycle center roof - 2/1/94

④ Pump Station - Completely operational by 6/1/94 (no C.O.'s  
until then)

⑤ Clock Tower - Application to Z.B.A. by 9/94

⑥ Sidewalks on Rt. 32 + Bus Shelters - Dependent on D.O.T.

⑦ Inspections are to be called for regularly

⑧ L ⑨ -  
release remaining C.O.'s in Phase I

Motion died for lack of a second to the motion.

Michael Landau  
Windsor Crest  
232 Windsor Highway  
New Windsor, N.Y. 12553  
December 21, 1993

It is our understanding that new areas of responsibility for future construction, as well as correction of certain problems in PHASE I, will be defined and presented to the TOWN PLANNING BOARD on December 22, 1993. The dates contained in the schedule of September 2, 1993 for completion of Phase I projects has long since passed and we would appreciate a revised schedule for those remaining. A composite of most of these projects is attached.

We would also appreciate receiving a list of your personnel along with their areas of responsibility so we can direct inquiries to the correct party if the need arises.

We thank you for the clean-up of the north end and for your anticipated early response.

cc: Planning Board



## P R O J E C T                      L I S T

1.    *Adequate lighting at entrances and within the development as well as replacement of damaged light poles.*
2.    *Swimming pool leaks.*
3.    *Sprinkler system defects.*
4.    *Landscaping issues.*
5.    *Drainage correction at rear of units 51-56.*
6.    *Front entrance and rear decks to be sealed.*
7.    *Fencing and improvement of retention ponds as agreed.*
8.    *Roof on re-cycling center.*
9.    *Road improvement, curbing, manhole painting etc.*
10.   *Pump-house construction and implementation.*
11.   *Stone walls at units 11-15 are collapsing.*
12.   *Transition street to driveways at North End.*

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 03/13/95

PAGE: 1

LISTING OF PLANNING BOARD FEES  
RECREATION

FOR PROJECT NUMBER: 92-42

NAME: WINDSOR CREST - PHASE II (FORMERLY HILLTOP)

APPLICANT: NEW HILLTOP DEVELOPMENT CORP.

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
12/01/94	PAYMENT 1 OF 6 5000.	CHG	5000.00		
01/01/95	PAYMENT 2 OF 6 5000.	CHG	5000.00		
02/01/95	PAYMENT 3 OF 6 5000.	CHG	5000.00		
03/01/95	PAYMENT 4 OF 6 5000	CHG	5000.00		
04/01/95	PAYMENT 5 OF 6 5000	CHG	5000.00		
05/01/95	PAYMENT 6 OF 6 5000.	CHG	5000.00		
12/01/94	REC. CK. #3730 (#1)	PAID		5000.00	
01/16/95	REC. CK. #108 (#2)	PAID		5000.00	
02/14/95	REC. CK. #200 (#3)	PAID		5000.00	
03/13/95	REC. CK. #269	PAID		5000.00	
		TOTAL:	30000.00	20000.00	10000.00

P.B. # 12-42 Recreation Fee

**NEW HILLTOP DEVELOPMENT CORP.**

PH. 914-561-8200  
232 WINDSOR HIGHWAY  
NEW WINDSOR, NY 12553

269

10-4/220  
BRANCH 419

PAY  
TO THE  
ORDER OF

Town of New Windsor

March 9, 1995 \$ 5000.00

Five thousand dollars & 00/100

DOLLARS

**M&T Bank**  
Manufacturers and Traders Trust Company - Buffalo, N.Y. 14240  
Hudson Valley Division  
Vails Gate Office

FOR 4th Payment -

*[Signature]*

⑈000269⑈ ⑆022000046⑆ 11000911021822⑈

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 02/15/95

PAGE: 1

LISTING OF PLANNING BOARD FEES  
RECREATION

FOR PROJECT NUMBER: 92-42

NAME: WINDSOR CREST - PHASE II (FORMERLY HILLTOP)  
APPLICANT: NEW HILLTOP DEVELOPMENT CORP.

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
12/01/94	PAYMENT 1 OF 6 5000.	CHG	5000.00		
01/01/95	PAYMENT 2 OF 6 5000.	CHG	5000.00		
02/01/95	PAYMENT 3 OF 6 5000.	CHG	5000.00		
03/01/95	PAYMENT 4 OF 6 5000	CHG	5000.00		
04/01/95	PAYMENT 5 OF 6 5000	CHG	5000.00		
05/01/95	PAYMENT 6 OF 6 5000.	CHG	5000.00		
12/01/94	REC. CK. #3730 (#1)	PAID		5000.00	
01/16/95	REC. CK. #108 (#2)	PAID		5000.00	
02/14/95	REC. CK. #200 (#3)	PAID		5000.00	
		TOTAL:	30000.00	15000.00	15000.00

NEW HILLTOP DEVELOPMENT CORP.  
Windsor Crest  
232 Windsor Highway  
New Windsor, NY 12553

February 10, 1995

TOWN OF NEW WINDSOR  
55 Union Ave  
New Windsor, NY 12553

Attention: Town Supervisor

Enclosed please find a check in the amount of \$5000.000. This is our 3rd monthly payment of \$5,000 towards the \$30,000.00 recreational fee due to you.

Sincerely,

Michael Landau  
President

MG:baf  
Enclosure

P.B.#92-42 Recreation fee

NEW HILLTOP DEVELOPMENT CORP.

PH. 914-561-8200  
232 WINDSOR HIGHWAY  
NEW WINDSOR, NY 12553

200

10-4/220  
BRANCH 419

PAY  
TO THE  
ORDER OF

Town of New Windsor

\$ 5000.00

Five thousand dollars & 00/100 DOLLARS

 **M&T Bank**  
Manufacturers and Traders Trust Company - Buffalo, N.Y. 14240  
Hudson Valley Division  
Vails Gate Office

FOR Recreation Fee - 3<sup>rd</sup> Payment

⑈000200⑈ ⑆022000046⑆11000911021822⑈

*[Signature]*

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 01/16/95

PAGE: 1

LISTING OF PLANNING BOARD FEES  
RECREATION

FOR PROJECT NUMBER: 92-42

NAME: WINDSOR CREST - PHASE II (FORMERLY HILLTOP)  
APPLICANT: NEW HILLTOP DEVELOPMENT CORP.

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
12/01/94	PAYMENT 1 OF 6 5000.	CHG	5000.00		
01/01/95	PAYMENT 2 OF 6 5000.	CHG	5000.00		
02/01/95	PAYMENT 3 OF 6 5000.	CHG	5000.00		
03/01/95	PAYMENT 4 OF 6 5000	CHG	5000.00		
04/01/95	PAYMENT 5 OF 6 5000	CHG	5000.00		
05/01/95	PAYMENT 6 OF 6 5000.	CHG	5000.00		
12/01/94	REC. CK. #3730 (#1)	PAID		5000.00	
01/16/95	REC. CK. #108 (#2)	PAID		5000.00	
		TOTAL:	30000.00	10000.00	20000.00

P.B. #92-42 Rec. P.C. #2 of 6

**NEW HILLTOP DEVELOPMENT CORP.**

PH. 914-561-8200  
232 WINDSOR HIGHWAY  
NEW WINDSOR, NY 12553

108

10-4/220  
BRANCH 419

Jan 6, 1995

PAY TO THE ORDER OF Town of New Windsor \$ 5000.00

Five thousand dollars & 00/100 DOLLARS

**M&T Bank**  
Manufacturers and Traders Trust Company - Buffalo, N.Y. 14240  
Hudson Valley Division  
Vails Gate Office

FOR Site improvements - 2<sup>nd</sup> Payment

⑈000108⑈ ⑈022000046⑈ ⑈1000911021822⑈

*[Signature]*

Planning Board  
Town Hall  
555 Union Ave.  
New Windsor, N.Y. 12553

NO. 92-42  
January 16, 1995

RECEIVED FROM New Hilltop Development Corp.

Five thousand 00/100 DOLLARS

Payment #2 of 6 Recreation Fee

Account Total \$ 25,000.00

Amount Paid \$ 5,000.00

Balance Due \$ 20,000.00 Myra Mason, Secy to the P.B.

"THE EFFICIENCY LINE" AN AMPAD PRODUCT





1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

October 6, 1994

New Hilltop Development Corp.  
16 E. 34th Street - 16th Floor  
New York, NY 10016

ATTN: MICHAEL LANDAU,  
PRESIDENT

SUBJECT: RECREATION FEE FOR WINDSOR CREST PHASE II

Dear Mr. Landau:

Please note, the recreation fee for Windsor Crest Phase II is in the amount of \$30,000.00.

Please arrange payment to the Town of New Windsor at your earliest convenience. Thank you.

Very truly yours,

*Myra Mason*

Myra Mason, Secretary to the  
Town of New Windsor Planning Board

TO: MYRA MASON, PLANNING BOARD SECRETARY  
FROM: GEORGE J. MEYERS, SUPERVISOR  
DATE: OCTOBER 5, 1994  
SUBJECT: WINDSOR CREST PHASE II

The recreation fee for Windsor Crest Phase II will be thirty thousand dollars (\$30,000).

GJM/dg

cc: Larry Reis, Comptroller

**NEW HILLTOP DEVELOPMENT CORP.**

16 East 34th Street 16th Floor  
New York, New York  
10016

*Rec'd.  
TA office  
8/30/94 (PAB)  
cc: Planning  
Board*

Town of New Windsor  
Attorney's Office  
Mc Guirk, Levinson, Zeccola,  
Seaman, Reineke & Ornstein P.C.  
555 Union Avenue  
New Windsor, New York 12553  
Attn: J. Tad Seaman

Dear Mr. Seaman,

We were extremely surprised by your letter of August 9, 1994. We have no knowledge or prior experience with the nature of your request.

This fee has never been mentioned to us at any point to this date. Further no dwelling units have been constructed in the above mentioned phase.

Unless we hear from you, we will assume that this was a misunderstanding.

Very truly yours,  
New Hilltop Development Corp.

By:

  
Michael Landau, President

P.B. # 92-42 Payment 1 of 6 for Recreation Fee

3730

212-251-0006  
NEW HILLTOP DEVELOPMENT CORP.  
16 EAST 34TH STREET, 16TH FLOOR  
NEW YORK, NY 10016

1-12 0003  
210

12.1.1994

PAY  
TO THE  
ORDER OF

Town of New Windsor

\$ 5,000.00

Five Thousand

DOLLARS

**CHEMICAL**

CHEMICAL BANK  
349 FIFTH AVENUE  
NEW YORK, NY 10016

FOR #1. Recreation Fee

*[Signature]*  
P. Kaufman

⑈003730⑈ ⑆021000128⑆069 029768⑈

Planning Board  
Town Hall

555 Union Ave.

New Windsor, N.Y. 12553

NO. 92-42

December 1, 1994

RECEIVED FROM New Hilltop Dev. Corp.

Five Thousand 00/100

DOLLARS

Payment 1 of 6 for recreation fee

Account Total \$ 30,000.00

Amount Paid \$ 5,000.00

Balance Due \$ 25,000.00

Margaret Mason, Secy to the P.B.

"THE EFFICIENCY LINE" AN AMPAD PRODUCT

COMPTROLLER

AMOUNT OF CHECK: \$5,000.00

#3730

TOTAL DEPOSIT: \$5,000.00

FOR: Payment 1 of 6 for recreation fee \$5,000.00

NAME: New Hilltop Dev. Corp.

P.B. # 92-42

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 04/18/95

PAGE: 1

LISTING OF PLANNING BOARD FEES  
RECREATION

FOR PROJECT NUMBER: 92-42

NAME: WINDSOR CREST - PHASE II (FORMERLY HILLTOP)  
APPLICANT: NEW HILLTOP DEVELOPMENT CORP.

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
12/01/94	PAYMENT 1 OF 6 5000.	CHG	5000.00		
01/01/95	PAYMENT 2 OF 6 5000.	CHG	5000.00		
02/01/95	PAYMENT 3 OF 6 5000.	CHG	5000.00		
03/01/95	PAYMENT 4 OF 6 5000	CHG	5000.00		
04/01/95	PAYMENT 5 OF 6 5000	CHG	5000.00		
05/01/95	PAYMENT 6 OF 6 5000.	CHG	5000.00		
12/01/94	REC. CK. #3730 (#1)	PAID		5000.00	
01/16/95	REC. CK. #108 (#2)	PAID		5000.00	
02/14/95	REC. CK. #200 (#3)	PAID		5000.00	
03/13/95	REC. CK. #269	PAID		5000.00	
04/18/95	REC. CK. #378(5 OF6)	PAID		5000.00	
		TOTAL:	30000.00	25000.00	5000.00

WINDSOR CREST  
NEW HILLTOP DEVELOPMENT CORP.  
232 Windsor Highway,  
New Windsor, NY 12553  
914-561-4798

April 18, 1995

TOWN OF NEW WINDSOR  
55 Union Ave  
New Windsor, NY 12553

Attn: Supervisor

Re: Recreation Fee  
5TH Installment

Dear Sir/Madam:

Enclosed please find a check in the amount of \$5000.00. This is the 5th payment towards the recreation fee.

Sincerely,

*M.L. BAF*

Michael Landau

ML:baf

*George,  
Received this 4/18/95 (Payment 5 of 6)*

*Myra*

P.B. # 92-42 Recreation Fee

NEW HILLTOP DEVELOPMENT CORP.

PH. 914-561-8200  
232 WINDSOR HIGHWAY  
NEW WINDSOR, NY 12553

378

10-4/220  
BRANCH 419

PAY  
TO THE  
ORDER OF

Town of New Windsor

April 18, 1995

\$ 5000.00

Five thousand dollars & 00/100

DOLLARS

 **M&T Bank**

Manufacturers and Traders Trust Company - Buffalo, N.Y. 14240  
Hudson Valley Division  
Vails Gate Office

FOR Recreation Fee - 5<sup>th</sup> Payment

⑈000378⑈ ⑆022000046⑆11000911021822⑈

*[Signature]*

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 05/03/95

PAGE:

LISTING OF PLANNING BOARD FEES  
RECREATION

FOR PROJECT NUMBER: 92-42

NAME: WINDSOR CREST - PHASE II (FORMERLY HILLTOP)  
APPLICANT: NEW HILLTOP DEVELOPMENT CORP.

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-D
12/01/94	PAYMENT 1 OF 6 5000.	CHG	5000.00		
01/01/95	PAYMENT 2 OF 6 5000.	CHG	5000.00		
02/01/95	PAYMENT 3 OF 6 5000.	CHG	5000.00		
03/01/95	PAYMENT 4 OF 6 5000	CHG	5000.00		
04/01/95	PAYMENT 5 OF 6 5000	CHG	5000.00		
05/01/95	PAYMENT 6 OF 6 5000.	CHG	5000.00		
12/01/94	REC. CK. #3730 (#1)	PAID		5000.00	
01/16/95	REC. CK. #108 (#2)	PAID		5000.00	
02/14/95	REC. CK. #200 (#3)	PAID		5000.00	
03/13/95	REC. CK. #269	PAID		5000.00	
04/18/95	REC. CK. #378(5 OF6)	PAID		5000.00	
05/03/95	REC. CK. #420(6 OF6)	PAID		5000.00	
			-----	-----	-----
		TOTAL:	30000.00	30000.00	0.00



P.B. # 92-112  
Rec. 4-22-86

NEW HILLTOP DEVELOPMENT CORP.

PH. 914-561-8200  
232 WINDSOR HIGHWAY  
NEW WINDSOR, NY 12553

420

10-4/22  
BRANCH

PAY  
TO THE  
ORDER OF

TOWN of New Windsor

5 1 1995

\$ 5000.00

Five thousand dollars & 00/100

DOLL



Manufacturers and Traders Trust Company - Buffalo, N.Y. 14240  
Hudson Valley Division  
Vails Gate Office

FOR

6<sup>th</sup> & FINAL PAYMENT

*Richard J. Williams*

⑈000420⑈ ⑆022000046⑆ ⑈1000911021822⑈

NEW HILLTOP DEVELOPMENT CORP.  
232 WINDSOR HIGHWAY  
NEW WINDSOR, NY 12553  
(914) 561-4798  
Fax (914) 569-0400

MAY - 3

HAND DELIVERED

May 3, 1995

Town of New Windsor  
55 Union Ave  
New Windsor, NY 12553

Attn: Mr. George Meyers

Re: Recreation Fee - 6th and Final Payment

Dear Mr. Meyers:

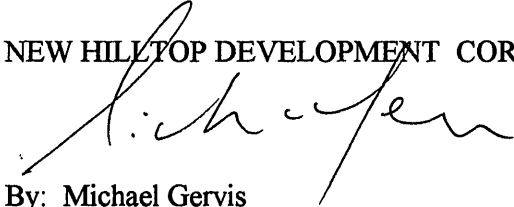
Enclosed please find check in the amount of \$5,000.00.

This check represents the sixth and final payment making for a total of \$30,000.00 which was the agreed amount owing.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

NEW HILLTOP DEVELOPMENT CORP.

  
By: Michael Gervis

MG:baf

Enclosure

**NEW HILLTOP DEVELOPMENT CORP.**

16 East 34th Street 16th Floor  
New York, New York  
10016

September 14, 1994

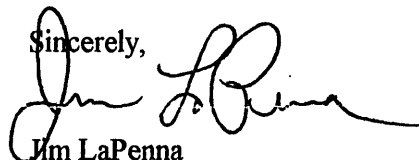
McGoey, Hauser & Edsall  
45 Quassaik Ave  
New Windsor, New York  
12553

Dear Mr. Edsall,

At 8:30 am on September 14, 1994, a pressure test was done on the Pump House / the Interior Piping / Suction & Discharge / Piping from the Road to the Station / Road Vault & Check Valve / Main Line to Route 32 on the South Entrance. A two hour test was conducted in the presence of James LaPenna, site construction coordinator for Windsor Crest; Bud Anderson, an inspector from your office; Don J. Mekulik Jr. & Ray Tooker from Lank & Tully, the Pump Station Engineers.

Please confirm that the test was favorable and meets all requirements from the Town of New Windsor.

Sincerely,



Jim LaPenna  
Construction Supervisor  
New Hilltop Development Corporation

cc: Supervisor George J. Meyers  
James Petro, Planning Board Chairman  
Michael Babcock, Town Building Inspector  
Michael Landau



**McGOEY, HAUSER and EDSALL**  
**CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

- ☐ **Main Office**  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- ☐ **Branch Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

**20 September 1994**

**New Hilltop Development Corp.**  
**c/o Windsor Crest**  
**232 Windsor Highway**  
**New Windsor, New York 12553**

**ATTENTION: JIM LaPENNA, CONSTRUCTION SUPERVISOR**

**SUBJECT:**

**Dear Mr. LaPenna:**

I have received your letter dated 14 September 1994 with regard to the Windsor Crest Project in New Windsor.

It is our understanding that all the piping within the pump station has been pressure tested and the results indicate acceptable conditions in that regard. A record of the test, as witnessed by our Field Representative, Bud Anderson, is on file with this office.

As you are aware, notwithstanding our observation of the test, it is necessary that the pump station Design Engineers, Lanc & Tully, certify to the results of the piping pressure test. It is

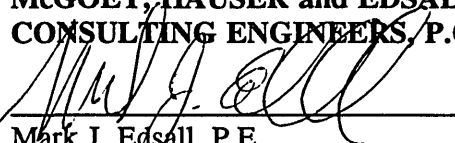
20 September 1994

anticipated that Lanc & Tully, upon the completion and test run of the pump station, will issue a letter indicating that the pump station has been fully completed and is operating in accordance with the design plans and specifications, indicating certification to the same and the aforementioned pipe pressure test.

If you have any questions concerning the above, please advise our Field Representative of your concern.

Very truly yours,

**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS, P.C.**

  
\_\_\_\_\_  
Mark J. Edsall, P.E.  
Town Consulting Engineer

MJEmk

cc: Supervisor George J. Meyers  
Michael Babcock, Town Building Inspector  
James Petro, Planning Board Chairman  
Michael Landau

A:LAPENNA.mk



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.

WILLIAM J. HAUSER, P.E.

MARK J. EDSALL, P.E.

JAMES M. FARR, P.E.

29 September 1994

- ☐ **Main Office**  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- ☐ **Branch Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

## MEMORANDUM

**TO:** George J. Meyers, Town Supervisor

**FROM:** Mark J. Edsall, P.E., Planning Board Engineer

**SUBJECT:** WINDSOR CREST CONDOMINIUMS - SCHOOL BUS SHELTER  
MHE JOB NO. 87-55/T93-2

Please be advised that I have reviewed the issue of the bus shelter with Mr. William Elgee of the NYSDOT on the morning of 29 September 1994. Mr. Elgee advises me that their Department has made substantial progress in the design of the proposed improvements along State Highway No. 32; therefore, it is very possible that some coordination can occur in the very near future, relative to the NYSDOT improvements and the three (3) work items to be performed by Windsor Crest Condominiums. For reference, these three work items include the school bus shelter, the sidewalk along the front of the project, and the reconstruction of the north entrance road.

Bill Elgee indicated to me that he will be in contact with the regional office in Poughkeepsie and will be contacting me in the near future with regard to his findings. If useful information is available at that time, I will schedule a meeting between the DOT representatives, myself and the necessary Windsor Crest representatives (including their engineer) to further coordinate these work items.

Please contact me if you have any questions concerning the above.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Mark J. Edsall', is written over a horizontal line.

Mark J. Edsall, P.E.  
Planning Board Engineer  
MJEmk

cc: James Petro, Planning Board Chairman  
A:9-29-2E.mk



**McGOEY, HAUSER and EDSALL**  
**CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

29 September 1994

Town of New Windsor  
Planning Board  
555 Union Avenue  
New Windsor, New York 12553

**ATTENTION:** JAMES PETRO, PLANNING BOARD CHAIRMAN

**SUBJECT:** WINDSOR CREST CONDOMINIUM PROJECT  
WATER BOOSTER PUMP STATION  
MHE JOB NO. 87-55/T93-2

Dear Mr. Petro:

Enclosed herewith, for the Town's records, please find an original letter written to me dated 27 September 1994 from John Lanc, P.E., with regard to the Windsor Crest Water Booster Pump Station. This letter reflects the testing performed on the pump station toward its acceptance for operation and use by the project. Please keep this letter and attached testing report in the Planning Board files for future reference.

If you have any questions concerning the above, please do not hesitate to contact the undersigned.

Very truly yours,

**McGOEY, HAUSER and EDSALL**  
**CONSULTING ENGINEERS, P.C.**

  
Mark J. Edsall, P.E.  
Planning Board Engineer

MJEmk

Encl.as

cc: Supervisor George J. Meyers  
Building Inspector Michael Babcock

A:PETRO.mk

- ☐ **Main Office**  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- ☐ **Branch Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

# LANC & TULLY

ENGINEERING AND SURVEYING, P.C.

---

September 27, 1994

Mr. Mark Edsall, P.E.  
McGoey, Hauser and Edsall  
Consulting Engineers, P.C.  
45 Quassaick Avenue  
Newburgh, NY 12550

RE: Windsor Crest Pump Station

Dear Mark,

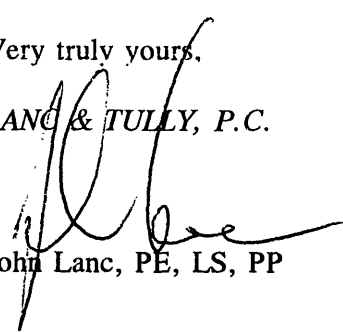
Our technical personnel was present during the disinfection of the entire newly installed piping, including pumps and hydro-pneumatic tank, at Windsor Crest Water Supply Booster Pump Station. Air was released from the top of the hydro-pneumatic tank and the entire system was subjected to 25 parts per million chlorine solution. The solution was left in the system over a 24-hour period and then discharged to the retention basin. The system was flushed and a bacteriological sample taken at 9:00 a.m. on September 21, 1994. The results of the test indicate that the water was of satisfactory sanitary quality as *no* coliforms were present.

A copy of the test result is enclosed with this letter.

If you should have any questions or need further information, please do not hesitate to contact our office.

Very truly yours,

LANC & TULLY, P.C.

  
John Lanc, PE, LS, PP

JL:gjl

Enc.

cc: Jim LaPenna, Windsor Crest Development

tstreslt.jl



# ENVIRONMENTAL LABWORKS, INC.

RECEIVED

SEP 26 1994

P.O. Box 733, Marlboro, New York 12542  
(914) 236-7823

LANG & TULLY P.C.

BOTTLE NUMBER		BACTERIOLOGICAL EXAMINATION OF WATER				ELAP ID# 10824	
COLLECTED BY <i>D. MEKULIK</i>	DATE AND TIME COLLECTED <i>9/21/94 9:00</i>	DATE AND TIME RECEIVED <i>9/21 9:30 AM</i>	SOURCE OF WATER		CHLORINATED NO <input type="checkbox"/> YES <input checked="" type="checkbox"/> ppm		
EXACT COLLECTION POINT <i>HYDRO TANK</i>		SAMPLE COLLECTED FROM PUBLIC SUPPLY <input checked="" type="checkbox"/> PRIVATE SUPPLY <input type="checkbox"/>		TELEPHONE # <i>294-3700</i>			
NAME AND/OR LOCATIONS OF WATER SOURCE:				REPORT TO BE MAILED TO			
<i>WINDSOR CREST</i>				<i>DON MEKULIK</i>			
<i>RT 32 NEW WINDSOR</i>				<i>LANG &amp; TULLY PO</i>			
				<i>PO Box 687 12T 207 GOSHEN 10924</i>			
RESULTS OF EXAMINATION							
BACTERIA / ML AT 36-C		TOTAL COLIFORMS / 100ML <i>Absent</i>		OTHER TESTS		REMARKS	
		METHOD OF EXAMINATION P/A <input checked="" type="checkbox"/> MPN <input type="checkbox"/> MFC <input type="checkbox"/>					
INTERPRETATION OF RESULTS							
THESE RESULTS INDICATE THAT THE WATER <u>          </u> WAS <u>          </u> OF A SATISFACTORY SANITARY QUALITY IN RESPECT TO THE ABOVE TEST, WHEN THE SAMPLE WAS COLLECTED.							
REPORTED BY <u>          <i>Sarah T. Cole</i>          </u> DATE <u>          <i>9-23-94</i>          </u>							



**McGOEY, HAUSER and EDSALL**  
**CONSULTING ENGINEERS P.C.**

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WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

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27 September 1994

**MEMORANDUM FOR RECORD**

**SUBJECT: WINDSOR CREST CONDOMINIUM PROJECT**  
**PROJECT MEETING AT SUPERVISOR'S OFFICE - 9/26/94**  
**MHE JOB NO. 87-55/T93-2**

On 26 September 1994 a meeting was held at the Supervisor's office, as per the request of Jim LaPenna of Windsor Crest Condominiums. Present at this meeting were Supervisor George J. Meyers, Planning Board Chairman Jim Petro, Town Consulting Engineer Mark Edsall, Project Engineer Greg Shaw and Project Representative Jim LaPenna. Various issues were reviewed with regard to the project status, including the status of items listed on the schedule of completion agreed to with the Town.

Many items were discussed and, as a conclusion, the following items were agreed to:

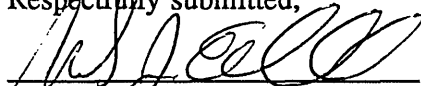
1. Greg Shaw is to make a final review of the detention basins as constructed and forward a letter to the Town as to the status of the work. If the basins are completed, he should indicate that same are constructed in accordance with the approved plans and are now functional.
2. With regard to the on-site soil erosion stormwater management work, Greg Shaw is to schedule a field review of same, such that he can forward a report as to the measures as currently constructed. Mark Edsall is to join Greg Shaw for this field review.
3. With regard to the overall stormwater management issue, including the off-site improvements, George Meyers is to set up a meeting with the project principals to review this matter. Also present at this meeting will be Greg Shaw and Mark Edsall.
4. With regard to the water booster pump station, the Town is to be issued a letter from Lanc & Tully indicating the overall testing which was performed on the pump station, providing a copy of the bacteriological test. This letter is to be reviewed by Mark Edsall for proper content.

27 September 1994

**MEMORANDUM FOR RECORD**  
**PAGE 2**

5. With regard to the completion of landscaping for the stormwater detention basins, Jim LaPenna is to send a letter to the Planning Board requesting the deletion of the clock tower from the work and, as well, requesting that the Planning Board make a field review of the finished landscaping for acceptability. Jim Petro indicated that he would coordinate this visit.
6. With regard to the bus shelter along the highway, Jim LaPenna agreed to send Mark Edsall a copy of the design plans and his letter to the NYSDOT, such that Mark Edsall can contact DOT as to the status of their review and comments.
7. Jim LaPenna indicated that he would forward a schedule for the following week's work every Friday from this point forward.

Respectfully submitted,



Mark J. Edsall, P.E.  
Town Consulting Engineer

MJEmk

cc: George J. Meyers, Town Supervisor  
James Petro, Planning Board Chairman

A:9-27-E.mk



**McGOEY, HAUSER and EDSALL**  
**CONSULTING ENGINEERS P.C.**

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Milford, Pennsylvania 18337  
(717) 296-2765

**23 September 1994**

New Hilltop Development Corp.  
c/o Windsor Crest  
232 Windsor Highway  
New Windsor, New York 12553

**ATTENTION: JIM LaPENNA, CONSTRUCTION SUPERVISOR**

**SUBJECT: WINDSOR CREST CONDOMINIUMS - T/NEW WINDSOR**  
**MHE JOB NO. 87-55/T93-2**

Dear Mr. LaPenna:

Please be advised that our office has not received a schedule for work for the week of 19 September 1994.

It is our understanding that chlorination of the piping systems related to the pump station occurred on Tuesday, 20 September 1994. Further, it is our understanding that the system was

New Hilltop  
Development Corp.

Page 2

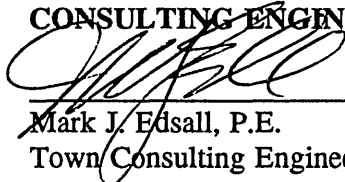
23 September 1994

flushed and samples taken for testing on Wednesday, 21 September 1994. Our office was not aware of these activities, due to your failure to submit a schedule in accordance with the agreement with the Town of New Windsor.

Please have your pump station design engineer forward our office copies of all test records and results. We will advise you, after discussing the above with Town officials, of any other actions necessary on your part.

Very truly yours,

**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS, P.C.**

  
\_\_\_\_\_  
Mark J. Edsall, P.E.  
Town Consulting Engineer

MJEmk

cc: Supervisor George J. Meyers  
Michael Babcock, Town Building Inspector  
James Petro, Planning Board Chairman  
Michael Landau

A:LAPENNA.mk



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
(914)563-4630

cc: P.B.  
Attn: Myra

August 9, 1994  
FAX: 914-563-4693

NEW HILLTOP DEVELOPMENT CORP.  
% Windsor Crest  
232 Windsor Highway  
New Windsor, N. Y. 12553

Attn: Mr. Michael Landau

RE: WINDSOR CREST SUBDIVISION - PHASE II  
RECREATION FEES

Dear Mr. Landau:

I am writing this letter to you to advise you that pursuant to New Windsor Town Code, Section 19-3(E)(2), you are obligated to pay a recreation fee of ONE THOUSAND (\$1,000.) DOLLARS per dwelling unit for the units constructed in Phase II. This fee was apparently overlooked when the other fees were paid for Phase II, however, this oversight does not eliminate your obligation to pay the recreation fee to the town.

Would you kindly forward your check to the Town Comptroller for ONE HUNDRED THREE THOUSAND (\$103,000.) DOLLARS representing the recreation fee for the 103 units that were constructed in Phase II. This check should be forwarded immediately. In the event there are any questions concerning this matter, please feel free to call either Supervisor George Meyers at (914)563-4610 or myself at the above number.

Very truly yours,

*J. Tad Seaman* (S)  
MC GUIRK, LEVINSON, ZECCOLA,  
SEAMAN, REINEKE & ORNSTEIN P.C.  
By: J. Tad Seaman

JTS/PAB  
cc: Town Comptroller Reis



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

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(717) 296-2765

2 June 1994

MEMORANDUM

TO: George J. Meyers, Town Supervisor  
James Petro, Planning Board Chairman

FROM: Mark J. Edsall, P.E., Planning Board Engineer

SUBJECT: WINDSOR CREST PROJECT  
STATUS OF COMPLETION - SCHEDULED ITEMS  
FIELD REVIEW 1 JUNE 1994  
MHE JOB NO. 87-55/T93-2

At 4:00 p.m. on 1 June 1994 a field review was held by the undersigned and Town Building Inspector Michael Babcock to determine the completion status of two (2) items listed on the agreement memorandum dated 22 December 1993. This memorandum required that the retention basins and the pump station be complete and operational by 1 June 1994.

Please be advised that, at the time of our visit, it appeared that the work within the southerly detention basin was not complete, although it was noted that certain landscaping work appeared to be in progress. There appeared to be no progress with regard to the northerly detention basin.

With regard to the pump station, at this time the foundation and walls of the building appear to be substantially complete, although the building slab, piping, equipment, roof, electrical work and other elements have not yet been started. As such, the pump station is substantially incomplete.

Since the time of our last visit, Mike Babcock advised that the recycle center has been completed and a Certificate of Compliance issued.

2 June 1994

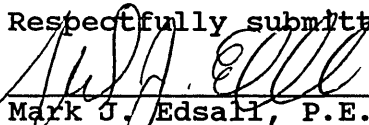
MEMORANDUM

-2-

Of concern to me is the coordination of inspections which is Item 5 of the memorandum agreement. For 1994, our records indicate receipt of only three (3) weekly schedules for work. As well, there has been more than one (1) instance of lack of notification for construction operations which required inspection. Further, there have been cases of notification again being made to the wrong Town representatives, which leads to further confusion regarding these required inspections. As such, it is my position that the project developer has not complied with the agreed to procedures in this regard and, in fact, the inspection coordination and notification has decreased in quality and compliance over the last several months.

Please advise me if you require any additional information with regard to the above.

Respectfully submitted,

  
Mark J. Edsall, P.E.  
Planning Board Engineer

MJEmk

cc: Michael Babcock, Town Building Inspector

A:6-1-2E.mk





McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
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24 June 1994

New Hilltop Development Corp.  
c/o Windsor Crest Condominiums  
232 Windsor Highway  
Route 32  
New Windsor, New York 12553

ATTENTION: Jim LePenna

SUBJECT: WINDSOR CREST CONDOMINIUM PROJECT  
NOTIFICATION OF CONSTRUCTION OPERATIONS

Dear Mr. LePenna:

On 23 June 1994 our field representative, Bud Anderson, visited the subject project site, as per the periodic construction observation/reviews performed by our office. At that time, you were in the process of setting up for a watermain pressure test, also advising him that same was to be done on the same date.

No notification was received of this scheduled test, nor is the testing item reflected on the schedule dated 21 June 1994, (received by our office on 22 June 1994). As per the agreements reached between the Town of New Windsor and Windsor Crest Condominiums (new Hilltop Development Corporation), proper notification is to be made with regard to the construction activities scheduled for work, as well as any testing proposed for completed work. Obviously, the agreement specifies what department or representatives must be notified for the particular type of work.

As well, it appears that you also failed to notify your Consulting Engineer, who is responsible for certifying that such infrastructure work has been completed in conformance with the design plans and specifications; his witnessing of such testing would also appear necessary.

With regard to your flippant comment "that you had tried to call me several times" to advise me of such test, my secretaries have reviewed the logs of incoming phone messages and have advised me that no such messages were left for my attention.

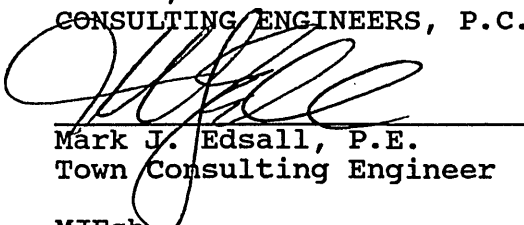
24 June 1994

Further, you are reminded that telephone calls to schedule such items "last minute" are not in accordance with the agreed to procedures, which require weekly scheduling sheets to be forwarded directly to our office and Greg Shaw's office on the Friday prior to the week of the schedule.

Our office will continue to make every effort to assist Windsor Crest in the successful development of the project; however, it is obvious that the agreed to procedures, which were developed after many meetings and many hours of discussion, must be complied with by New Hilltop Development Corp. Please do not hesitate to contact me if you have any questions regarding the above.

Very truly yours,

McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS, P.C.



Mark J. Edsall, P.E.  
Town Consulting Engineer

MJesh

cc: Supervisor George J. Meyers  
~~James D. B. Planning Board Chairman~~  
Michael Babcock, Town Building Inspector  
New Hilltop Development Corp.  
16 East 34th Street - 16th Floor  
New York, New York 10016

a:windsor.sh



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
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Milford, Pennsylvania 18337  
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14 June 1994

Shaw Engineering  
744 Broadway  
Newburgh, New York 12550

ATTENTION: GREGORY SHAW, P.E.

SUBJECT: WINDSOR CREST CONDOMINIUM PROJECT  
NEW WINDSOR, NEW YORK  
MHE JOB NO. 87-55/93-2

Dear Greg:

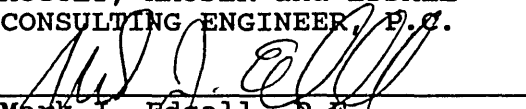
This letter is being written to request that you prepare an itemized and detailed list of those items which remain incomplete with respect to the stormwater detention basins for the subject project. I believe this list will effectively be a follow-up evaluation of your previous review of the basins and their completion status.

I would assume that you will require authorization from the project sponsors to prepare the above. Please advise me once you speak with them as to the date when the above will be submitted.

If you have any questions concerning the above, please do not hesitate to contact the undersigned.

Very truly yours,

McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEER, P.C.



Mark J. Edsall, P.E.  
Town Consulting Engineer

MJEmk

cc: Supervisor George J. Meyers  
Planning Board Chairman James Petro

A:SHAW.mk



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
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21 April 1994

MEMORANDUM FOR RECORD

SUBJECT: WINDSOR CREST CONDOMINIUM PROJECT  
FIELD MEETING WITH NEW PROJECT SUPERVISOR  
20 APRIL 1994  
MHE JOB NO. 87-55/T93-2

Pursuant to a message from the Town Planning Board office, I contacted the Windsor Crest Condominium project and arranged for a meeting with the new project Superintendent, Jim LaPenna, on site on the afternoon of 20 April 1994. Jim and I made a brief walk-thru of the site and discussed many of the previous construction and coordination deficiencies with the project. At this time, Jim desires our assistance and input as to required procedures, and various requirements which he has questions on (as further noted below). I indicated to Jim that many of the items are a part of the previous record and, although I will help him as I reasonably can, they are obligated to the previous commitments.

The following specific questions were asked, which I have agreed to investigate and advise Jim LaPenna on, as possible:

1. With regard to the water pump station, Jim believes that this structure was also intended as a "overlook" for the bus shelter on Route 32. Also, this building may have also been intended as a central mail spot. I was unclear regarding same; however, we both agreed that it would be preferable not to have a common structure. It would make more sense to have the pump station independent and a "gazebo approach" to the overlook and central mail station. A treated wood gazebo, oval in shape, could be positioned toward the front side of the recreation building parking area. I agreed to further investigate this issue. Planning Board concurrence would be necessary.

21 April 1994

MEMORANDUM FOR RECORD

-2-

2. Jim wondered whether a parking space off the main southerly drive was required for the pump station. I indicated my preference to an interconnecting sidewalk from the pump station area at the south drive up to the parking lot for the recreation building, possibly near the proposed gazebo. This will be further reviewed. It was noted that handicapped curb drops must be provided if the sidewalk is installed.
3. With regard to the detention basin, Jim requested copies of any layout or plan information regarding the landscaping. We also discussed the use of black vinyl fence with regular galvanized fence posts. I recommended serious consideration to the replacement of the fence posts with black vinyl units. This would be less obtrusive visually and, as well, it would conform with the black vinyl fence utilized for the tennis courts.  
  
Also of concern was a question as to whether the willow trees located along the detention basin could remain. It appears that some have been removed; however, several willow trees still exist.
4. We discussed, in general, the need for sidewalks along Route 32 and the possible conflict of same with the previously installed plantings along the State highway.
5. In general, further investigation has to be made as to the locations for the mailboxes. Currently there are pedestal type units mounted throughout the site. It is questioned whether central locations should be established.

Respectfully submitted,

  
Mark U. Edsall, P.E.  
Planning Board Engineer

MJEmk

cc: James Petro, Planning Board Chairman  
Michael Babcock, Town Building Inspector

A:4-21-8E.mk

WINDSOR CREST CONDOMINIUMS - RT. 32

Joel Necifore appeared before the board for this discussion.

MR. PETRO: This is a discussion only. I had asked you to come in for a few different reasons. I went over there after the storm and there was some pretty rough terrain there. I noticed a couple of the new units, if there was an emergency they certainly couldn't have gotten out of their driveways, literally couldn't have gotten out of their driveways. I figured the curbing was 18 inches off the pavement in some of the areas plus the washout that is number one. Number two, we have I guess a major complaint from the Planning Board engineer that he is not being called for inspections. So I want to go over that. Thirdly, we don't know who's in charge there, all right, we know that Mr. Waskew has been, his services have been discontinued and I know that you are basically foreman on the job and I've talked to someone else in sales but there's really no continuity to any one person in charge. Number four, the build-out of a lot of the agreed upon, i.e., the pumping station, the garbage, which is a minor thing, the retention ponds don't seem to be flowing exactly properly. We just want to get to the bottom of some of these issues to find out what direction we're going to. It seems also I'm going to be very frank, I talked to someone yesterday in sales who called up and talked with Myra and their attitude is now that they have the approval on Phase Two that they are pretty much on their own, which is certainly not the way we're going to do business in New Windsor, not why we have a Planning Board and also you have a perspectus I believe with the Attorney General that has to be met and you have people living there. So we have to have a little better understanding, right, you have another 149 units to build.

MR. VAN LEEUWEN: Mr. Chairman, I have a motion I can make. As you know, you could make it yourself but we had a meeting here in Town Hall with Mark Edsall, myself and building inspector and Joel here, okay, and I have nothing against Joel, don't get me wrong, but the project we have had so many meetings on this

project, it's unbelievable. And I'd like to make a motion that we hold up all C.O.s, don't issue anymore C.O.s until all these problems are taken care of because personally, and I think the rest of the board members agree with me, there's been so many meetings on this property, just in the last two years, forget what I have been through in the last 20 years on this piece of property, forget that. That is all aside. It's getting ridiculous and the attitude up there is and that is not Joel's attitude, really don't give a dam. They just, well, just hold up all C.O.s. Issue an ultimatum that the building inspector not issue any C.O.s.

MR. PETRO: How many C.O.s left in Phase One?

MR. BABCOCK: I don't have that, I couldn't even guess.

MR. NECIFORE: Ten.

MR. PETRO: First of all, for Phase Two, they cannot receive a C.O. under any circumstances whether any action is taken until the pumping station is completed. There's so many undone to be finalized in Phase One that the C.O.s won't be issued but we're trying to get something you're going to force the board or the owners of the property going to force the board to take drastic action. We're trying to avert that and you have one opinion right here. I want to talk with Mark, just shed some light why are you not being called for, I think it's, let's say blacktopping, how about the curbing installation for inspections?

MR. EDSALL: To answer the question, I don't know why I am not being called. I know that we have made it abundantly clear over the last two years what the inspection process is and the level of quality that the Town desires the internal roadways to be constructed like. I know that we have had numerous meetings with Mr. Landau, Mr. Waskew. We've had the opportunity to have Greg Shaw at some of those meetings and it appears that they are not just not notifying me, they don't notify Greg that they are performing work so there's no review of the construction work by their or our engineer. I have a real difficulty in accepting that

when they are putting in sewer collection systems, water distribution, roadways, curbs and so on.

MR. DUBALDI: For the record, is this procedure any different than would be in another project?

MR. EDSALL: No, obviously it's a fairly large project.

MR. DUBALDI: You were not asking anything unreasonable?

MR. EDSALL: Identical to what we've asked on other projects of this type and it's identical to what was agreed to very clearly by Mr. Landau, both for the completion of Phase One and for Phase Two.

MR. DUBALDI: This isn't the first time that we have had this problem. We went through this with the roads, with everything through Phase One and now we have the same exact problems again. It's ridiculous.

MR. VAN LEEUWEN: I'd like to a second to my motion and that will be the end of it because we're never going to get done with these people. They could care less. One of these days, you're going to have a serious accident. We've had flooding on the homeowner's down the street. We've had continous problems. It's got to stop. It's not going to stop because they can care less.

MR. DUBALDI: Let me tell you one of the concerns there are people living there right now and we have to do something to help these people because they are going nuts. They can't even back out of their driveways half the time.

MR. VAN LEEUWEN: The only way you're going to stop them and help these people is make a second to my motion and let it go through. I have been sitting here for 20 some odd years, I know.

MR. NECIFORE: With the driveways--

MR. PETRO: I know you repaired them after the storm.

MR. NECIFORE: We had problems with getting asphalt in



there. We had American Paving, they promised us November 8 since then all the driveways have been repaired.

MR. PETRO: This is one item I don't want to belittle the items, it's on the list of 1 to 100. I was there when we took the pictures.

MR. LANDER: I think we've settled this at our last meeting that they had a schedule and timeframe to have all this work completed in Phase One or else they wouldn't receive anymore C.O.s. So I think November 15 was the deadline or the 14th, if memory serves me right so I will second Mr. Van Leeuwen's motion to hold up all other C.O.s until everything is done.

MR. DUBALDI: And I'll third it.

MR. PETRO: We have a motion before the New Windsor Planning Board that all C.O.s remaining in Phase One of New Hilltop to be suspended and not to be issued.

MR. VAN LEEUWEN: I'd like to add building permits to that too.

MR. PETRO: I think we can put building permits but there's no more building permits to be issued, is there?

MR. BABCOCK: Not in Phase One, Phase Two, yes.

MR. PETRO: This is Phase One is what we're going to hold up.

MR. BABCOCK: Yes, the C.O.s in Phase Two wouldn't be issued until the pump station is on line.

MR. PETRO: We have control there. Motion has been made and seconded. Is there any further discussion from the board members before we vote? One comment I want to make this won't be the end of it of course you're going to have the pressure on the owner to take some action but Carmen's point is well taken. We have people still living there. We don't want the project to fail or not to be moved upon there's just problem of

communication with the Planning Board engineer, attitude towards the Planning Board, I think needs to be addressed.

MR. NECIFORE: Correct.

MR. PETRO: We need to have someone there in charge that is going to look over these things and follow procedures and we need the timeframe that was set down in the minutes and has not been followed whatsoever. I think the pumping station was supposed to be sometime in December at the latest and there must have been a host of other build-outs that haven't been completed. I know there is not even a roof on the garbage place.

MR. DUBALDI: What kind of bond remains on Phase One, any bond at all?

MR. VAN LEEUWEN: Yeah, there's some bonding there.

MR. EDSALL: I don't recall the number at this point.

MR. VAN LEEUWEN: I don't know either but it's up there yet we've released bonding, we have bent over backwards for these people.

MR. DUBALDI: It's a cash bond?

MR. VAN LEEUWEN: Yes, sir.

MR. LANDER: I don't think so.

MR. VAN LEEUWEN: Yes, it is, I believe. No, the letter of credit was for the second phase cause remember we received a letter of credit for one year we wanted it for three years, you know, I'll tell you something what we're doing here tonight was supposed to be done for this meeting, it was promised to be done at this meeting but it has not proceeded, meantime people living there are getting stuck and they are the taxpayers of this Town.

MR. PETRO: Motion is before the board. This is so we're having a little discussion about it but I think we want to give the applicant some direction also as to

what needs to be done. I know we've done it 55 times.

MR. VAN LEEUWEN: He's got all the list there.

MR. NICEFORE: I have to disagree. There has been confusion since Mike Waskew has left, there is a lot of notes that have not been found. We don't know some of the items I called Mark to see if he had some of the list, some of the items that remain were the blacktop and the curbs. Since then, they have been done, I called Mark the other day, see if he can do a walk-through or if there's a list.

MR. PETRO: Myra has the minutes of the meetings very simple to go through.

MR. NICEFORE: As far as recycle center, it is on schedule. Due to the way it has to be constructed, we have to get Newburgh Steel in there. I just got off the phone with them today, that will be delivered probably by the end of next week and started by the end of next week. The other thing is the pump station, it will be started beginning of next week, we're putting the roadwork in and getting the foundation in hopefully in the next two weeks, we have to get that in before the winter. We ain't going to be able to dig right now, it's a problem, I mean there's a lot of misconfusion.

MR. PETRO: Curbing and the blacktop that has been done in Phase Two, it's already there, you know, already we're going to need borings again Mark for some of this work.

MR. BABCOCK: There hasn't been any blacktop in Phase Two, just preparation to the blacktop.

MR. EDSALL: As an example normally to assure that the roadway area is stable before they distribute the Item 4 or the sub-base they are using they proof roll, the road that was an agreement we reached with the development to assure that the quality of the road was for Phase Two would be greater than the quality we saw for Phase One. They proceeded with the curb installation and were beginning distribution of the

sub-base. We had no idea it was occurring until Bud happened upon the site and found out and in fact today they did proof roll and a significant amount of the area has failed so if it hadn't been caught, we could have gone further and had substandard roadways.

MR. DUBALDI: We're having roads failing in Phase One at this moment, aren't we?

MR. EDSALL: There were some problems but I'm not quite sure that we're having failures.

MR. DUBALDI: We've got some pictures that are evident, we have streams going down.

MR. NECIFORE: That is a lot of the curbing we replaced quite a bit of the curbing on the site.

MR. PETRO: Joel, what seems to me that we're going to follow through on the motion in about five minutes trying to give you some direction, I think you have time schedule somewhere that could be found either from Mr. Waskew or from the minutes of the meetings. The next meeting is December 22. I'll again have you on for that meeting, as a regular item and at that time, we can look at everything has been prepared. You have about 2 weeks weeks to come up with some plan of action there. You can talk with Mr. Landau in the meantime and just something has to be done, just can't go indefinitely. I have been on the Planning Board for 2 1/2 years and I think I spent two years of that on this project. It's really out of control. It's not something that is not that one or houses aren't as important but you're talking a couple hundred units.

MR. NECIFORE: Right, I know.

MR. PETRO: Major impact on the surrounding properties and the Town, it's so we have to get to the bottom of it. Any further discussion that we need? If not, roll call.

ROLL CALL

MR. VAN LEEUWEN	AYE
MR. LANDER	AYE
MR. DUBALDI	AYE
MR. PETRO	AYE

MR. PETRO: I'll put you on for the 22nd, we'll have you back in. There's not going to be anymore C.O.s issued on the project until you come up with some plan. He's got two weeks to actually do something.

MR. DUBALDI: When was this last schedule supposed to be completed by?

MR. VAN LEEUWEN: Middle of November.

MR. LANDER: November 15.

MR. BABCOCK: Since I'm involved in this and as far as the issuance of C.O.s, maybe I would like to have it addressed that until this board so feels that the improvements are done, that C.O.s could be issued again, this way I don't have to make any decisions. I'm not sure what much and every one of you are thinking.

MR. PETRO: Your department is not to issue any C.O.s on New Hilltop Development until further notice from the New Windsor Planning Board. It's that simple. Thank you.



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

2 February 1994

## MEMORANDUM

TO: George Meyers, Town Supervisor  
James Petro, Planning Board Chairman

FROM: Mark J. Edsall, P.E., Planning Board Engineer  
Michael Babcock, Town Building Inspector

SUBJECT: WINDSOR CREST CONDOMINIUM PROJECT  
WORK ITEM COMPLETION STATUS  
FIELD REVIEW 1 FEBRUARY 1994  
MHE JOB NO. 87-55/93-2

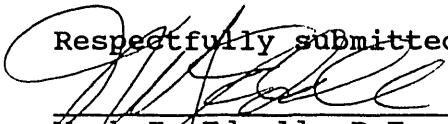
Pursuant to the memorandum dated 22 December 1993 and the deadlines contained therein, on the afternoon of 1 February 1994 a review was made at the project site to determine the status of the recycle center construction referenced as Item 3 on the aforementioned memorandum. At the time of our visit (4:00 p.m.), it was noted that construction work had been occurring on the recycle center; however, the center is not complete and it appears that at least 2 - 3 days work remains for completion. At the time of our visit, workers from TCB Contractors were finishing up for the day and required a framing inspection for the following day, prior to placement of the fire-rated sheetrock to be installed interior to the recycle area.

The project completion schedule also required that the Stormwater Management Plan also be completed by 1 February 1994. At the close of business on 1 February 1994, we had not received a copy of the Stormwater Management Plan, nor a copy of the application to the New York State Department of Environmental Conservation, which is required of the Applicant.

To our knowledge, the only two (2) items to be completed by 1 February 1994 were the two (2) items noted above. At this time, both items are not complete.

If you have any questions concerning the above, please do not hesitate to contact either the undersigned or Mike at your convenience.

Respectfully submitted,

  
Mark J. Edsall, P.E.  
Planning Board Engineer  
MJEmk  
A:2-2-E.mk

DISCUSSIONWINDSOR CREST SITE PLAN - ROUTE 32

MR. PETRO: At the last meeting, we had Windsor Crest in here there's been so many problems on the site, some were unresolved, some were resolved and there was a discussion on what to do. We were holding up the C.O.s on the project until we can come to some agreement with the builder and the owner and at this time, we have in our jackets, we have a schedule that has been prepared on this date, meeting was held at Town Hall with the following members present:

George Meyers, Supervisor-Elect  
James Petro, Planning Board Chairman  
Lincoln Heft, Town Councilman  
Michael Babcock, Building Inspector  
Mark Edsall, P.E., Planning Board Engineer  
Greg Shaw, P.E., Project Engineer  
Michael Landau, Applicant and Property Owner

The following is a list of completion dates for the unfinished work at the site is discussed. That is from Myra.

1. Retention Ponds: June 1, 1994.
2. Storm Water Management Plan: February 1, 1994
3. Recycle Center: February 1, 1994
4. Sawcut Curbs: Replaced
5. Inspections: Improved
6. Sidewalks: Are Bonded
7. Bus Shelter: Need DOT information. We'll be able to give them more information on the bus shelter once DOT tells us what they are doing.
8. Pump Station: Operation by June 1, 1994
9. Clock Tower: Make Application to ZBA by September,

1994. We are will aware that there will be no C.O.s

issued on Phase Two until that is on line number 9, clock tower, he has to make an application to the ZBA by September 1994.

10. Weekly Schedule to be faxed to Mark Edsall for upcoming week.

MR. EDSALL: One other thing that goes with that is that we have told them that they have to send Greg Shaw the schedule since he has to make inspections as well and we have been getting weekly schedules and we're in chronological form evaluating if they follow the schedule.

MR. PETRO: Number 11, we have the willows have been moved and fence having been relocated that is something brought up at a few meetings back and that has been completed. This letter was signed by Mr. Landau who is the applicant and owner of New Hilltop Development Corporation on 1/10/94 with his intentions and it was for all this work to be completed and it was before Notary Public Deborah Green on the same day.

MR. VAN LEEUWEN: Mr. Chairman, one thing I'd like to bring up and you were at the meeting, I was not, the retention ponds which originally were supposed to be approved and in working order before work was supposed to be started. Now, I see here June 1, 1994, any reason for that particular date? You were at the meeting, I was not.

MR. PETRO: I'll address that first and Mark can probably help me out with it. I think the south retention pond as was discussed at the last meeting is 98 percent complete. I think there's very little work that needs to be done with that. The question arises with the north retention pond and one of the big questions obviously is the water doesn't seem to be getting into the pond.

MR. SCHIEFER: Isn't that item 2, I'm assuming item 2 is getting the water into the pond.



MR. EDSALL: Item is a say totally separate issue, I'm going to be getting the board members a memo that you will probably find quite interesting as far as how the State handled it but the EPA is requiring that anyone who has storm water discharges from a property get a permit for those discharges and we're not talking sewage now, we're talking storm water discharges where you have silt running in storm water and such and if there's any visible difference between what's coming into the stream and what's into the stream that is technically a violation and it's quite an interesting process New York State is administering as a program and there's a requirement that any project that is going to disturb more than five acres has to have this permit and have filed the permit which is a notice of intent. They is by February 1st of this year. Mike and I went to a seminar in Westchester County and it was interesting because DEC is going to take the permit or they are going to issue the permit but the application goes through a clearing house in Virginia and DEC acknowledges them and send a \$50 bill but the plan DEC is absolutely unequivocally saying do not send us any plans to review because we don't review the plans. It's a requirement that you do it but we don't review it and they require that a plan be kept on site and a plan be sent to the municipality and there was a lot of objection from the officials present. They said why should the local towns review plan as part of a DEC permit and I guess they anticipated that because one of the options when the Town receives a plan is to throw it in the garbage and say you're on your own to the applicant. So it's quite an interesting process.

MR. VAN LEEUWEN: So all the DEC wants is the 50 bucks a year.

MR. EDSALL: It would seem that and DEC said the reason why we're not reviewing it is because we don't have any money if the Town officials said if you think we're any better off, you misunderstand it. So the bottom line is that these people are going to be subject to significant fines if they don't have the permit application in and a representative from DEC shows up and says let me see your storm water management plan and they say guess what, we don't have one. Well, I

think they might as well get their checkbook warmed up because DEC and Department of Environmental Conservation starts at \$10,000 and moves up.

MR. SCHIEFER: Our concern both Mr. Van Leeuwen and I we have been told that the retention ponds are 98 percent finished. In other words, they'll work but we have no plan for getting the water into the detention ponds.

MR. EDSALL: Exactly, storm water is not getting into the basins and on the way it's picking up dirt and silt and debris and it's making quite a mess.

MR. SCHIEFER: When is that going to be addressed?

MR. EDSALL: I met with Greg Shaw this week because it's a very new process and as you can see, they tried to change item number 2, they tried to change the date but I guess the proposal to change the date was unacceptable so it is still February first but luckily they didn't change it because the State statutes says February 1st so they got a big problem if they don't solve that. So it is a separate issue that is really sediment control and soil erosion control, really not part of the retention ponds itself.

MR. PETRO: Anyone else have anything want to talk about?

MR. SCHIEFER: That is the only one I was concerned with.

MR. VAN LEEUWEN: Storm water getting into the ponds and this has nothing to do with Phase Two, am I correct?

MR. PETRO: That is correct. The only possible context would be the pumping station which would be for the C.O.s in Phase Two which has to be this agreement, has nothing to do with that. This agreement does not alter that by any stretch of the imagination.

MR. SCHIEFER: No C.O.s until the pumping station is operational?

MR. PETRO: For Phase Two but they are going to need the water pressure.

MR. SCHIEFER: What about the last ten C.O.s that we kind of put on hold?

MR. PETRO: That is what we're going to do, if we approve this that we'll be taking away the holding pattern if you want to call it that on the C.O.s for Phase One.

MR. VAN LEEUWEN: Remember we voted to hold up the C.O.s by this letter and him signing it, the only thing I'm not completely satisfied is on the retention pond but I'm going for it.

MR. SCHIEFER: I have no my problem is what we said before, I have been told by Greg the retention ponds are functional one of them fine but does that include getting the water into them and I'm told no. So based on that, I'm not going to vote for it, I want that water into those ponds.

MR. PETRO: On number 2, the storm water management plan I believe is going to address that problem and has to be completed by February 1st.

MR. EDSALL: One of the suggestions that I have I formally made to Greg and we're going to pursue a little more is that they never let construction proceed unless they have the drainage piping complete and if the drainage piping gets up into the areas that are being disturbed, there's nothing keeping them from creating inlet basins where they put a hay bale and stone silt basins to pick up the storm water but take out the silt and debris but nevertheless have that discharge into the collects system. And if it does that it's going to get into the detention ponds as it is now you're absolutely right, Carl, it doesn't stop anywhere except for when it hits the bottom of the road.

MR. LANDER: We're picking up the water in the catch basins that paved surface, he's right now cause they

are up the grade, right or wrong?

MR. EDSALL: The north road I believe doesn't have the finished course on it.

MR. LANDER: Not all the way up.

MR. BABCOCK: That takes some of the problems.

MR. LANDER: You can eliminate a lot of those problems but they have a riser for those type catch basins, bring the binder right up to the flash, when they get ready to put the top on, they put a riser on it and they are flush again then the water will get to the drain.

MR. EDSALL: Maybe that is one of the things Greg has to include in the management because the plan includes description of what they are going to do and physical plan and the statute says they not only have to have that plan specific for the project prepared by February 1st but they have to be enacting it so happen doesn't mean they can't let the thing--

MR. SCHIEFER: They have to have it enacted by February 1st.

MR. EDSALL: They have to have the plan in force.

MR. SCHIEFER: Having the plan on file doesn't do a damn thing not with these people.

MR. EDSALL: Looking at the way the law reads, I imagine if somebody was in the process of building this inlet basin on the first week of February, they probably won't get a fine if it is a plan that was just filed and they are in the process of implementing it but if they are doing nothing and they have a plan collecting dust, again I'd suspect they are going to get a hefty fine.

MR. BABCOCK: We're not going to enforce it, we're just going to review and approve the plan.

MR. EDSALL: I don't even know what the Town's position

is going to be. I have to go to the Supervisor and ask him if he wants to get involved in DEC's permitting process at all.

MR. SCHIEFER: I'm reluctant to release them before anything gets done.

MR. VAN LEEUWEN: The way I understand it is he's got till February to fix this.

MR. SCHIEFER: A plan.

MR. VAN LEEUWEN: Retention pond June 1st, storm water management plan by February 1st, recycling center which was an extra I have no problem with that February 1st, sawcut curbs be done, sidewalks bonded, bus shelter was an extra, needs DOT, the pump station operation by, well the pump station will take care of itself, the clock tower also an extra that came in later on. Weekly schedule to fax the work in the upcoming weeks to Mark, that is being fixed. We don't know how long that will last. The willows and the fences that is no big deal as far as I'm concerned.

MR. PETRO: Also is it my understanding some of the storm water that is coming down the road now obviously as Ron was saying before, the culverts are sticking up above the pavement when this is completed a lot of the storm water will go into the pond.

MR. BABCOCK: Across the street in Windsor Square, they took in under Mark's suggestion when I was, happened to be present, cause they are having the same problem in the back of the catch basin they dug a little hole and put a hole there and all the water went right in there and the pipes are up off the bottom a ways so they have some sediment control in there and just before they are going to blacktop, they seal that and do it and it catches all the water and we have suggested I think I suggested that in the meeting that day.

MR. PETRO: But a portion of the water is due to the construction at this time.

MR. BABCOCK: Yes, definitely it's all coming from

Phase Two into Phase One because Phase Two the catch basins are six inches above the roadbed.

MR. PETRO: We ought to remember that when you're phasing out these sites.

MR. BABCOCK: Especially when you're building the bottom phase first, you have the bottom phase complete now you're building an upper phase behind it.

MR. PETRO: People living in the bottom and they are working in the top phase which they are going according to plan but what about the actuality of it?

MR. EDSALL: Luckily, usually you compliment the fact that the U.S. Government adopts more laws but the law is going to help protect the problem that is occurring now and the enforcement is supposed to be pretty heavy on this law, if it is complied with.

MR. SCHIEFER: That will comply with this.

MR. EDSALL: It applies to any project that is not going to be complete with construction by February 1st so every project that comes before this board if they are going to disturb more than five acres they have to do this.

MR. PETRO: Gentlemen, everybody has reviewed this what we need is a motion to adopt and accept this memorandum for the dates of completions and to lift the holding of C.O.s on Phase One of the Windsor Crest Site Plan.

MR. LANDER: So moved.

MR. VAN LEEUWEN: I'll second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board adopt this memorandum of the dates for completions for Windsor Crest and to release the remaining C.O.s in Phase One as needed. Is there any further discussion from the board members?

MR. VAN LEEUWEN: I have one I'd like to discuss, okay, if the water is not brought into the retention ponds by

June 1st, I'm going to make a motion to this board to hold all C.O.s and you got my promise on that one, whether it will pass or not, that I am only one person but if that is the case, if he doesn't abide by this, I'll never do anything again.

MR. PETRO: Duly noted. Carl, do you have anything to add?

MR. VAN LEEUWEN: Never.

MR. SCHIEFER: My only concern is the one I keep voicing we have a plan sitting to be operational you have 11 things here, I'm only concerned with one, getting the water into the ponds and the way I am looking at it right now, I don't see it happening.

MR. PETRO: Duly noted. Carmen, anything to add on to the minutes?

MR. DUBALDI: No.

MR. LANDER: No, Mr. Chairman, you covered everything.

MR. PETRO: Roll call?

ROLL CALL

MR. VAN LEEUWEN: Yes, I will, reluctantly.

MR. LANDER: Yes, very reluctant, yes.

MR. DUBALDI: Aye.

MR. PETRO: Aye

MR. SCHIEFER: I'm taking his word again, I should know better.

MR. PETRO: I want to make note that once again that we're demonstrating that the Town of New Windsor and the New Windsor Planning Board is doing all they can to work with an applicant under extreme and hard situations that this situation has put on us. And we again have extended dates a couple of times and we're definitely working with the applicant. Does everyone agree with that?

MR. LANDER: Sure. The language alone is enough to give you ulcers. Motion to adjourn.

January 12, 1994

46

MR. DUBALDI: Second it.

ROLL CALL

MR. LANDER	AYE
MR. DUBALDI	AYE
MR. VAN LEEUWEN	AYE
MR. SCHIEFER	AYE
MR. PETRO	AYE

Respectfully Submitted By:

  
Frances Roth  
Stenographer

1/18/94



WINDSOR CREST

Gregory Shaw, P.E. of Shaw Engineering appeared before the board for discussion.

MR. PETRO: We called Mr. Shaw in to represent is it New Hilltop Development Corporation?

MR. SHAW: Yes.

MR. PETRO: And to discuss with us some of the concerns of the Planning Board that have been ongoing on the site and evidently, some of the problems have been resolved and I believe there are, you now say firm schedule on file for the Planning Board of the Town of New Windsor for when these concerns will be indeed completed and Greg can you give us a short overlay of exactly what's, what the plan is?

MR. SHAW: Greg Shaw and again these dates have the concurrence of Mr. Landau, who is the developer of the property so the dates which I'm going to to give you is with his full knowledge and blessing. With respect to the retention ponds, it's my opinion that those ponds are approximately 98 percent complete. I leave a couple percentage points off just for odds and ends. They've certainly been reshaped to the size that they were supposed to be on the plans, the outlet control structures have been finished, they have been seeded, the landscaping has been replaced, that willows eliminated and replaced I believe with red maples. The only outstanding item with respect to the ponds I think has to do with the fencing to some degree and the northern pond needs a little touch-up work.

MR. PETRO: Mark, the 98 percent, do you concur and agree that the southern retention pond is at 98 percent completion?

MR. EDSALL: I think that the southerly pond is in very good shape. It's the northern pond that needs a lot of work still and I think you're going to go over a deadline for that.

MR. SHAW: That is going to be completed, both ponds in

their entirety are going to be completed by June 1 of 1994. That date may seem far away. The next three months very little is going to be done with respect to getting equipment in there but that is the date upon which the developer is committed to have it done 100 percent, no outstanding items. Maybe if I can just quickly run through the rest of the things.

MR. VAN LEEUWEN: Do you know that those two holding ponds were supposed to be completely, finished before any buildings went up. Now if anybody wants to go back and look at the original site plan approval that we gave at this board back 2 1/2 years ago, that was one of the conditions this board put down and they are still not done.

MR. SHAW: You're a hundred percent right but one point I'd like to point out.

MR. VAN LEEUWEN: And something else, okay, I have been told I'm prejudiced so I will not say anymore on this whole project. I wash myself of the whole thing. I don't even want to hear it and that came from Landau's mouth and I'm not very happy about it because I'll tell you something, some of my best friends happen to be Jewish also Orthodox. I'll not listen to anything or have any comments on this project from this day forward. When it's over with, I'll be back in.

(Whereupon, Mr. Van Leeuwen left the room.)

MR. SHAW: Just for the board's knowledge with respect to the pond, I believe what is left on the table is really aesthetics and window dressings, the ponds are functional. They are complete enough to detain the storm water that will be generated from the ultimate development of the site, not just the site partial development so rest assured that the ponds will detain the water, it's just the aesthetics that have to be resolved. Moving right along, the recycle center, I believe this board was assured that there would be a roof that would be put on top of the center, that I believe the trusses have been ordered, the roof has at least been ordered and that will be complete by February 1 of 1994. With respect to the pump station,

substantial portion of the pump station has been ordered again consists of many components that will be completed and operational by June 1 of 1994. Again this board remembers the fact that no C.O.s will be issued for Section Two without that pump station functional and operational but independent of that, the deadline of June 1 has been established. With respect to the clock tower, I believe the developer or his representative assured the Town that an application would be made to the Zoning Board of Appeals for a variance for the clock tower structure. That application will be made by September of 1994.

MR. LANDER: Can I ask a question on that? Why hasn't it been done before? Why was the application which he knew had to have it why wasn't it acted upon?

MR. SHAW: Okay, with respect to the clock tower, while we talked to the board about it, it wasn't a condition of approval. In fact, the approved site plan deleted it because ZBA approval would be required. That was an issue that I don't think the board felt strongly enough about that it had to be acted upon immediately and again I'll--

MR. LANDER: Well, it's another thing that if we don't pin it down to specifics and we shouldn't have to, Mike Waskew stood here and gave us a schedule that it would be done and if there was a variance, if memory serves me right, if there was a variance needed it would be sought and now we're saying that now we're going to do it.

MR. SHAW: I can't answer your question as to why it wasn't done.

MR. PETRO: The application now is in the process of going to the Zoning Board for the clock tower, correct?

MR. SHAW: Yes.

MR. PETRO: It's going to be undertaken immediately?

MR. SHAW: Yes, it's not to the best of my knowledge it's not going to be sluffed off into the middle or

later part of 1994 but that was the date that was proposed. And I guess we're asking this board to accept it. With respect to, I'm just trying to go with respect to the sidewalks, on Windsor Highway, Mark I may need your assistance on that.

MR. PETRO: And bus shelter.

MR. SHAW: That is held in abeyance until the DOT gets there, act together with respect to the improvements on Windsor Highway.

MR. EDSALL: Timeframe was conditioned on when the DOT gives Greg the information that he needs to design those improvements which are grade information, he can't design the sidewalks or even have the sidewalks laid out for construction until we know what elevation the curbs have to be set at and that also controls where and how the bus shelter will be set. So, as I understand from Don Green, it's still a proposed agreement along the highway but they haven't done the survey and haven't even started plans.

MR. LANDER: Let me say this, that we already have an approved curb cut on both ends, two roads meet Route 32 the way they exist today, all right, now what you're telling me is that they haven't, probably in three years the State may have their plans already in the design stage then it will probably be another two years before it gets let out for bid so we're probably looking at the length of time before this happens. I know other people in the Town of New Windsor that had to put their curbs in even knowing that in a year or year and a half their curbs would be yanked out.

MR. EDSALL: Exactly, you're right.

MR. LANDER: I don't think--

MR. EDSALL: That is what's happened with their curbs as it stands right now, the curb work that they've done with their entrance in my mind is definitely going to be torn out. The question is should they put in all the sidewalks and then have to have that torn out as well. That is the question. It's clear that the curbs

are going to have to be torn out when the highway's redone.

MR. LANDER: If and when it gets done. I'm not too keen on the State getting their act together and getting something done to 32, believe me, because they move slower than that turtle that I just got done consuming, let me tell you. So you put the curbs in and then knowing that because that was let to bid, man spent \$5,000, could have saved him some money but so I say that seeing as it was part of their approval, well then let's put them in. He did what you're saying, take your best shot, talk to the State, get an idea of what they'll most likely do if, I'm not going to wait five years for that to happen.

MR. EDSALL: Maybe more than five.

(Whereupon, Mr. Van Leeuwen entered the room.)

MR. VAN LEEUWEN: Vails Gate took 12, I sat in on the original committee over 16 years ago.

MR. LANDER: It's not that the sidewalks aren't going to be used, the sidewalks will be used by the people that live there. It's just like not bringing up any names but there was another sidewalk, well, what do we need it for? Well, you need the sidewalks so the kids don't have to walk down the road to get to the bus stop.

MR. DUBALDI: I just want to make a comment. This kind of ties in, are the roads done properly down the two main roads leading in and out of the place? Are they even done properly?

MR. PETRO: A is, B is not.

MR. EDSALL: Northerly road is definitely based upon the information I've seen and our review is not acceptable and in fact that is reflected in the fact that you are, that you approval includes ripping it out and doing it right.

MR. DUBALDI: I'm not talking about current

construction.

MR. EDSALL: I'm talking--

MR. DUBALDI: What exactly did they do wrong on that?

MR. EDSALL: Insufficient pavement thickness, and I don't believe adequate sub-base.

MR. LANDER: Plus there's supposed to be a negative slope. There's a positive slope to the road. Whether Mr. Green would like to admit it or not.

MR. BABCOCK: I don't know that Ron, I don't know that that is even an issue at tonight's discussion, I think it was just one of the items that we were discussing. They have an approval right now and their approval was conditioned that they meet with DOT and that that is the condition it was that they meet with DOT that hasn't changed. They are not saying they want to change that so they are still going forward with that. There's no change. You guys have already approved their Phase Two and Phase One conditioned on they get the elevations from DOT before they construct their sidewalks and bus garage that is exactly what he just said. He's still going to do that.

MR. SHAW: In the meantime, it's still bonded guaranteeing that it will be done.

MR. LANDER: Cash bond?

MR. SHAW: Letter or credit.

MR. PETRO: Mr. Van Leeuwen, who's now seated in the audience?

MR. VAN LEEUWEN: I'm just talking from the audience, I'm not on the board at this time, particularly when we were entertaining these people we have had flooding there, year and a half ago we had a major flood, holding ponds were not working. They've avoided the real issue when it comes right down to it because they really haven't abided by the original.

MR. SCHIEFER: Greg, I challenge the effectiveness of those retaining ponds. I was down to my daughter's house yesterday after the fire department pumped her out. She lives on Margo Lane. Ever since this project has started, they are having more and more trouble, it's the second time she's been pumped out. Prior to the construction up there, there were none of these problems. I know the entire neighborhood is getting a petition together and they are getting ready to sue the Town, Planning Board and you people. Are those ponds working?

MR. SHAW: Yes.

MR. SCHIEFER: Where is the water coming from, the storm hasn't been that unusual?

MR. SHAW: I can't answer that. What I can tell you is that the storm water which is coming off the site is being collected in the basin and it's leaching out of that basin through 8 inch pipes very slowly and at a rate no greater than the site would discharge water prior to any development whatsoever. In fact, it is less than what the site is generating in its present, actually in its pre-development condition. We throttled it back even further, why they are getting water I have no idea.

MR. SCHIEFER: She's been there six years, all of Margo Lane and the other lane in back of us they are having flooding and you can verify with Vails Gate Fire Department who's been pumping them out and they are saying the water is coming from your project.

MR. SHAW: Over land or underground flow?

MR. SCHIEFER: Probably underground.

MR. SHAW: So I can't answer that, I have no idea. I have no idea.

MR. SCHIEFER: I was down there and the water was coming in the walls, the water's coming in from the basement. They are getting flooding and they didn't have it before the project started.

MR. DUBALDI: Also considerable amount of water might even still be there right in front of the site of the northern detention, I don't know, retention area, right after the snow melted, there must have been a bunch of water this deep sitting right by the road and obviously, that was after it stopped raining.

MR. SHAW: This was in the State right-of-way?

MR. DUBALDI: I don't know exactly, it was right in front of the bushes but obviously the water is coming off of your site, I don't know exactly where the water is exactly coming from. But it's sitting in front of the unfinished detention area and obviously that means that the water it wasn't raining at this point, the water probably was going over the road, I mean, and you had about maybe a foot of water in that in a big puddle in front of the trees.

MR. LANDER: If I can just say this, I travel that road every day, I've never seen water at that point where you are talking about going across the top of the road.

MR. DUBALDI: No, I'm saying that on the road.

MR. LANDER: I've seen it come down that road. The northern road I've seen it shoot right across 32 from there but where you are talking about, there's water always laying there, waters always laying in front of those on the shoulder of the road.

MR. DUBALDI: Not that deep, I mean it is deep.

MR. LANDER: It never went across the top of 32. You have seen it go across 32?

MR. SCHIEFER: I have seen it go from the upper road.

MR. DUBALDI: Where is the water going if it is not going over 32? Where is all the water going then? People are having trouble with water problems down there and I'm saying that I made an observation that there's a lot of water in front of the site so where is all the water going?



MR. LANDER: It's going into the State structure that is right there, north of that site.

MR. DUBALDI: If it is sitting there, why isn't it going, you just told me if it is going in there.

MR. LANDER: That is the State's problem, that whole ditch line along Skylom is filled with water.

MR. PETRO: There's a lot of too much water, off-site water.

MR. EDSALL: You want me to address the concern that Carl brought out? We are aware of some very, I'll call them straining situations that have developed and we just can't figure out why what's happening is happening. There's the intersection of Margo and Garden that we experience some great, very significant drainage problems and the water was I guess the only term I can think of was blowing out of the ground up between the properties. It's almost impossible to try and figure out underground water flow. It wasn't surface water, it was coming out of the ground and if there's been a natural spring interrupted or something happened, it's very difficult to find.

MR. VAN LEEUWEN: There's a blind ditch that comes from your property, runs underneath 32, goes down where the new development is and goes down towards Margo Street and that is probably what's hitting his house.

MR. PETRO: Or stone wall.

MR. VAN LEEUWEN: When we dug foundations on Margo Street, we found the blind ditch and we cut it off at the end of Margo Street or Garden Street, we cut it off back there.

MR. BABCOCK: That is where it is coming out.

MR. VAN LEEUWEN: That was done 25 years ago.

MR. EDSALL: What may have happened there might have been a natural obstruction and the water getting from

let's say the Windsor Crest side of 32 to that blind ditch and by installing utilities, they may have created a french drain that connected into another french drain. Now it's all relieving, it's down in one direction.

MR. VAN LEEUWEN: There was 2 of them that came off the hill, one went down Parkway Drive right along the side street and down to hit those houses and another one went down through Windsor, what's that little subdivision?

MR. SHAW: Windsor Square.

MR. EDSALL: In any case, there's two different conditions that we've seen, one is when for one reason or another the storm water doesn't get in the catch basins. If it can't get in the catch basin, it's sure as heck not going to get in the detention basin. That is a problem if it is obstructed or if the catch basin is set higher than the pavement which doesn't work either. Another problem is sub-surface water that is hard to trace.

MR. VAN LEEUWEN: If somebody goes back through the minutes when this thing was originally approved, I mentioned that that particular time that is why we all said it was so important to get these two catch basins working.

MR. BABCOCK: Detention ponds.

MR. VAN LEEUWEN: Detention ponds working, excuse me, because we knew what the problem already was downstream.

MR. PETRO: Henry and Carl we have one thing going here now, our Planning Board is stating tonight that the retention pond south detention pond which is the biggest one is working, it's 98 percent in working order.

MR. EDSALL: Effectively it's constructed if they perform proper maintenance such that the water coming down the roadway gets into the catch basins, it will

get into the basin and the basin is constructed in accordance with Greg's design. That will only work if the water gets in the catch basins. So whether or not I say it's 98 percent or 10 percent done if the water doesn't get in the catch basins, it doesn't make a hill of beans difference. It means the water is going to go across the road. The second issue is subsurface. This has nothing to do with subsurface.

MR. SCHIEFER: Greg has thrown out the facts, these facts have been thrown out by the developer and I'm at the point where I don't believe you anymore.

MR. EDSALL: Second argument is subsurface if utility installations have created a connection to the french drain that were now or I'm now aware of that has nothing to do with the pavement that is picking up subsurface water that can run all day, doesn't matter if the basins are there, we have to intercept that before it gets into those areas. That is a different issue.

MR. LANDER: Why was that put there to begin with?

MR. VAN LEEUWEN: I have no idea. I bet you it was put there over 100 years ago.

MR. PETRO: Were you on the board then?

MR. LANDER: There's a problem along Route 32 where Carmen was addressing before but that is a State culvert there, all right, there's always water laying in that ditch always if I walk cause I walked that this summer and everytime you went passed there, it was water laying there. I don't care if it rained or didn't, a lot of it is coming from Skylom property I'm not defending Hilltop here, believe me, I'm just trying to let you know that there is a problem.

MR. BABCOCK: Their water is picked up before there Ron and picked up and fed into that catch basin right directly across from Parkway, isn't it? What's the road right across the street?

MR. SHAW: Leslie and Leslie splits into Parkway.

MR. BABCOCK: That is where it crosses.

MR. VAN LEEUWEN: As far as I'm concerned, Mr. Chairman, this site plan is violated completely. Because that was the main one agreement that the two holding ponds would be in working order before any construction started. And that has not happened. And it isn't going to happen.

MR. SHAW: Hank, those ponds are in working order.

MR. VAN LEEUWEN: If they are in working order, then why is all this?

MR. SHAW: Are they in working order, Mark, not to put you on the spot but.

MR. EDSALL: I can't answer on the north one and from what we've seen the southerly one is operating but the problem we're having is that the construction is occurring in a very untechnical term sloppy manner where a lot of the debris is coming down and blocking the catch basins. As I said, if you block the catch basin, you might as well not even have the detention basin that comes down to the operations are not being handled so they don't prevent these problems, it's a messy job, period.

MR. LANDER: That water will still been caught by the catch basins at the end of the road.

MR. EDSALL: All the crap is being washed down it, buildup on the uphill side creates a little dam and shoots it right down the middle of the road, goes across 32 and in their yard.

MR. VAN LEEUWEN: When it rained so hard yesterday morning there was this much water crossing 32 coming right down from the north side driveway. It was coming out over there and it's ground water. It wasn't clean water going across 32 down Parkway Drive and down Leslie Avenue.

MR. SHAW: If that happened, and I was there three

weeks ago on a Sunday morning when it rained very very heavily to watch it and water was not crossing 32 that day but let's assume that it did happen yesterday and it was crossing 32, it ties into Mark's point that whether the ponds are functional or not is secondary. If you don't get the water to the pond, they are of little value.

MR. SCHIEFER: I think that is what's happening, the water is not getting into the ponds and what good are they if the water is going elsewhere?

MR. VAN LEEUWEN: That was the original agreement with this Planning Board that those two holding ponds would be working before any construction started. That has not happened.

MR. SCHIEFER: Your definition of working is the water getting into it and we have two things, the ponds are working, how much the water doesn't get into the pond.

MR. KRIEGER: Greg is relying on the technical approach that the ponds themselves are working, the technical meaning of those words, as I understand what Hank and Carl and so forth are saying is that when this condition was imposed, the spirit and the intent was in saying that the pond's working was shorthand for the drainage system out to be working. So it's the technical narrow meaning of the words themselves as against the intent.

MR. DUBALDI: If the water is not getting to the ponds then the ponds aren't working in my opinion.

MR. VAN LEEUWEN: Greg, I know what the problem is in that area my father-in-law built houses in that area, I know what the water problem is. I know how people get flooded out down there and I can tell you exactly almost exactly and it's 25, 27, 28 years ago, I can tell you where the blind ditches are. Cause we found both of them. And there's two of them and they both come off your site. One comes across the road and almost hits the property line, the best we can figure out at the time cause we didn't dig up the whole thing across the road, it comes between your property line

and Epiphany College property and I knew when that land was to be disturbed that one of those people down below would have a hell of a problem, they are having a hell of a problem.

MR. PETRO: I think the problem is basically being done up from the construction site, maybe you need some bales of hay, it's still going into the--

MR. VAN LEEUWEN: Just like a bale of hay on the side of the road is not going to pick up the silt.

MR. SHAW: Can I ask you to authorize your engineer to meet me out at the site to look at the ponds and catch basins, look at the inlets and to come up with a list on what has to get done so that all of the water gets to the ponds? I think that is the easiest way.

MR. PETRO: We do have two separate issues, the ponds are working from what we understand and water into the ponds.

MR. VAN LEEUWEN: I have no reason to believe that Greg's lying to us. Technical point he's probably right, the ponds are working but if the water is not getting into the ponds, what good is it? You don't need the ponds and I'll tell you the water is not going into the ponds because otherwise if it is going to the ponds, it wouldn't have come across 32.

MR. SCHIEFER: And they'd be full.

MR. SHAW: Better not be full, there should be plenty of room with the rain storms we have had.

MR. VAN LEEUWEN: I never looked into them yesterday. I did not go look at them. I went out 9:30, 10 o'clock in the morning just to look.

MR. SCHIEFER: Greg, is there much water in the north pond?

MR. SHAW: The ponds are designed so technically 24 hours after a rainstorm, they should be dry, today with all the rain we had yesterday.

MR. PETRO: Why don't we have Mark and Greg get together and look at what we can do to further the inefficiency of the water on the site into the ponds.

MR. EDSALL: Jim, the other issue which I think is a difficult item to come up with a solution and I do fully know the problems we're having down by Margo and Garden Streets is that is subsurface, in some form or another, the subsurface flow has been changed, I don't know how. I don't know that I will ever know how it happened. That is a separate issue and we're just going to have to try and come up with a solution. If we have to intercept it with blind ditches and get it into an enclosed system, maybe that will provide some relief. It may have to be done on the uphill side of 32 along the edge of the State right-of-way with a deep blind ditch and into the catch basins but that is a separate issue and I just want to--

MR. PETRO: It could be, Mark, that could be a natural, we can't blame this all on this particular applicant. We don't know that that has caused across the street.

MR. EDSALL: I can't say that they caused it or didn't cause it. I just know that we're aware of the problem and we have been down there Mike and I and George Green during the periods when Mr. Payden (phonetic), who lives on that corner, he was just totally flooded out and we couldn't figure out why cause nothing was going across the road then.

MR. LANDER: Drainage study on that didn't we?

MR. EDSALL: You can't do subsurface drainage studies. What I am trying to explain to everybody how you handle ground water and how you handle surface water are two different things. You don't go to a skin doctor for a heart operation, two different issues. One subsurface you can't see it, one you can see so I want to let you know we may solve the surface water problem but if for some reason or another there's a connection made, God knows if we'll ever find out how it--

MR. PETRO: They have said that they improved part of that problem, I guess came into control when you took

over you weren't familiar with some of the procedure problems. He made it very clear that it is not the obligation of the Town of New Windsor or the Building Department to notify the applicant every time a new man comes on board that here's what you have to do. I think it's up to you or whoever comes on on this project to follow through and notify the Planning Board engineer for inspections, Town Engineer, so that was discussed and I think it was met satisfactorily, Mark, with your approval?

MR. EDSALL: If they follow through on what we've asked for probably a half dozen times, it will be fine.

MR. PETRO: Bottom line gentlemen and I'm going to lay this out. You have a better idea what they would like now is for the remainder of the C.O.s. Two weeks ago we put a hold on the C.O.s in Phase One because some of these things weren't addressed, some obviously have been an addressed and some are in the process of being addressed. We do have a list of dates which is going to be typed up and everyone's going to get a copy.

MR. VAN LEEUWEN: What it is all about they want the other 8 C.O.s released.

MR. PETRO: C.O.s in Phase One released.

MR. SCHIEFER: How many are we talking about?

MR. JOEL NECIFORE: I think it's 8 or 9.

MR. VAN LEEUWEN: I can't vote because I'm anti-Semetic so I can't vote.

MR. LANDER: Are you done with your list?

MR. SHAW: I was done before I started.

MR. PETRO: Anyway, gentlemen, we had a meeting today between myself, Mr. Myers, Mr. Heft, Babcock, Edsall Shaw, Landau, we went over the dates of completion on all these items. It was agreed upon by the owner of the project who was present there was no gray area at all, I mean these are hard fact dates set. The big



thing was the pumping station they have 150 days which brings us to June 1, 1994. It's also obvious to him the owner that he cannot receive C.O.s for Phase Two till the pumping station is on line and as Mark had mentioned and pointed out that whether we want to give him C.O.s or not, it's not going to be up to us because he won't get Board of Health okay because they won't have the water pressure. So he's aware of all of this and it has to be done. The willows along the retention pond have been removed and replaced and the fences have been relocated, that is done. Also some of the bonds that we were concerned about are in place, is that correct, Mark?

MR. EDSALL: All the bonds that were required by Phase Two approval are in.

MR. PETRO: We had mentioned curbs a couple times, they were saw cut and weren't done properly, they had been removed and replaced.

MR. VAN LEEUWEN: If I could get 50 cents an hour for all the time we spent on this project, I could go to New York for a week, eat in the best restaurants, drink their best drinks, wind up under the weather for exactly 8 days and have the best damn hotel room in the City of New York because that is how much time is wasted on this project, more than any other project in the Town together.

MR. PETRO: Mr. Van Leeuwen, I agree there's a lot of wasted the time but we're still at the point where we're at.

MR. LANDER: Are we still going to waste our time with this schedule?

MR. VAN LEEUWEN: Sure you are, I'll sit here and bet you \$100 you will.

MR. SCHIEFER: This is the first time we have got dates but we've had promises, promises, promises.

MR. DUBALDI: We had dates the last time.

MR. PETRO: We've had dates before some of which are not in violation at this time some of them have passed.

MR. SCHIEFER: Some of these things keep stretching out and I see it again.

MR. VAN LEEUWEN: The whole thing.

MR. SCHIEFER: Based on past experience.

MR. PETRO: One way to go if someone else has a better idea, I'm all ears.

MR. LANDER: I think that the project should move forward and not be put to a standstill, of course we want to be guaranteed that these items will be done. We have a list here, there's no gray area, I mean if it is three months from now and some of these things are not done, what can you say at this point?

MR. KRIEGER: What about if you took a bond amount for each and every one of these items with the agreement that if it isn't done by that date, the Town will seize the money and do it themselves, no delay, right then and there, that date, no further notice. That is it. That is your cutoff.

MR. SCHIEFER: Town never does that.

MR. LANDER: Can we do that right on that date? We can demand the money?

MR. KRIEGER: If that is what they--

MR. VAN LEEUWEN: First of all, when you start demanding the money, it takes an attorney to get it, even if it is a letter of credit, unless you have got the cash in your hands.

MR. KRIEGER: You don't do it with a letter of credit.

MR. VAN LEEUWEN: But the bonding in under a letter of credit, how can you touch that, that is difficult?

MR. LANDER: He's saying this schedule here should be

bonded, am I right, I don't want to put words in your mouth?

MR. KRIEGER: Yes.

MR. NECIFORE: The biggest item on the whole list is the pump station.

MR. KRIEGER: For all the items because if he needs the pump station to get Phase Two, let's assume that that is true, he needs that for Health Department, he doesn't need the rest of these things to get C.O.s for Phase Two. So he will build the pumping station, he could build the pumping station, get his, then not have a Health Department problem, then come in and say I ought to have the C.O.s for Phase Two and here's a new schedule for the other items.

MR. VAN LEEUWEN: Exactly what's going to happen.

MR. SCHIEFER: That is exactly what I expect.

MR. PETRO: That might be well and true but there are some other items that he has not defaulted with such as at this time such as the bus shelter and the sidewalks you have just heard from the Planning Board attorney stating that they do not have any indication from DOT, we have instructed Mr. Shaw to get in touch with the DOT, get their best shot. Mr. Lander says he wants some blankitie-blank sidewalks hopefully that is what's going to happen. Now they know that that at that point it's no longer going to work, they have to do something about it. The inspections with Mark hopefully he is going to get this ironed out. We're thinking of maybe weekly schedules to be faxed into Mark's office prior to the weeks work to be informed of the inspections to be done.

MR. EDSALL: What we have agreed to, we've had committed to us probably several weeks ago and we had been asking for this for probably three months is that on Friday afternoon, a schedule for all the work that is going to occur for the following week be faxed to Greg Shaw's office and to my office. That way we can schedule the proper people and the correct inspections

can occur. So that is the commitment I understand is there.

MR. KRIEGER: That is wonderful but that is us saying it. How are you going to hold the applicant to such a commitment unless you have a commitment from somebody representing the applicant, not from our engineer, from somebody representing the applicant saying that otherwise you won't be able to hold him to it and it's just so much plans.

MR. EDSALL: Well, we have been getting them for three weeks at least it's starting off on the right foot.

MR. PETRO: Joel is here representing the applicant, he's the foreman on this New Hilltop construction site.

MR. VAN LEEUWEN: I feel sorry for him.

MR. PETRO: And you do intend to be forwarding and faxing the week's work ahead of time?

MR. NECIFORE: Yes, I do.

MR. PETRO: To the New Windsor engineer's office?

MR. EDSALL: And to your office and to Greg Shaw's.

MR. NECIFORE: They are to Greg Shaw's.

MR. PETRO: All inspections will be notified prior to the work being done?

MR. EDSALL: That is on the schedule because we'll base our reviews based on the schedule that is generated.

MR. PETRO: Again, I'm going to throw my question out one more time. Does someone have a better idea what they want to do?

MR. LANDER: Mr. Chairman, as long as they can't dance around this schedule like they've danced around the other ones that they've had for one reason or another, whether they blame it on the State or whether or blame it on this, all well and good, I still have yet to see

it happen.

MR. KRIEGER: How about letting the C.O.s out on a schedule tracking the various completion dates, get item one done.

MR. PETRO: Some of the things in other words the recycling center roof, it's something that has to be done but I don't know if you'd want to hold up a C.O. because the roof isn't put on the recycling center so there's the retention ponds are working.

MR. DUBALDI: How about the roads, Mr. Chairman?

MR. PETRO: Roads are bonded, first road is completed, the road in question the northerly road is bonded fully to be replaced in what timeframe, Mark?

MR. EDSALL: Again, that was being deferred because they want to cut it out when they know what elevation they are tying into by effectively the cost for cutting out that section of the roadway and putting in correct pavement was bonded. Obviously if there's a termination point of the bond we have to make sure they do it by then or we call the bond or they get an extension. I believe that the, which portion was that was in the letter of credit, it's the three year term so there you go, either they get it done in three years or they give you a new letter of credit. Is that--

MR. PETRO: It's either that or take their best guess.

MR. EDSALL: Build it in the three years, when you're going to have to call the money in three years or we're going to get an extension.

MR. KRIEGER: So much for June 1st.

MR. BABCOCK: This is not something that we are not seeing new tonight.

MR. EDSALL: This board asked for the 3 year letter of credit because we knew that they weren't going to do it.

MR. PETRO: Only thing new tonight, Mark.

MR. LANDER: That is right, that is the construction road it makes no sense to finish the pavement and they are beating it up with construction.

MR. LANDER: That is why the basins don't work.

MR. PETRO: Get with Greg and look at the water, see why it is not going into the ponds, that is something new you need to do.

MR. SCHIEFER: Greg isn't it going to be tough doing that you said you wanted to get together with Mark, don't you have to do that when it's happening the next good rain?

MR. SHAW: Yeah, I would think so. You can probably get 2/3 of it just visually looking on a dry day but the last third you're going to need some water movement around.

MR. PETRO: We have a schedule here. I don't think there's any gray area whatsoever. I think we have gone this far, another few months to see what actually transpires is not going to kill us. What's the alternative, I think we should allow the C.O.s to continue and move forward.

MR. LANDER: I received a letter tonight from I don't know who because it wasn't signed by anybody, everybody get this letter here? Who's it from?

MR. BABCOCK: It must be from the homeowner's because it seems like it would be a concern of their's.

MR. EDSALL: From the heading it looks like Mike Landau wrote it but I don't know why he'd be asking us about him finishing these items.

MR. LANDER: It said something in here something about the stone walls in units 11 through 15 are collapsing. What's that?

MR. NECIFORE: I went by it today, I just received this

at 4 o'clock today, we went by it, side of 15 there's nothing. Along the side of 14, when it starts tapering down on the last five feet there was a, a rock maybe yea big that fell out, everything else are bolders that the excavator had placed, they are 2 ton bolders on that. Alls we have been doing is getting compliments that it makes it look better.

MR. PETRO: A lot of these are building issues, correct and not Planning Board issues?

MR. NECIFORE: That is correct. The rock that fell is about yea big.

MR. LANDER: They said stone walls I figured little stones.

MR. NECIFORE: I enjoyed that myself, stones walls.

MR. LANDER: What's your pleasure?

MR. PETRO: Other than my suggestion of abiding by this list that was made up today, and by Mr. Gregory Shaw's presentation by other issues discussed at this meeting, I think no matter we have to sit here and make nothing happen would be not a good idea. It's my plans to--

MR. VAN LEEUWEN: Why don't you do it this way. After you get so many items done, he gets a C.O. After he gets that many items, he gets another C.O. We have to treat him like that.

MR. PETRO: You're going to drive the building department crazy with that. As I said earlier.

MR. DUBALDI: He does what he is supposed to then he gets a C.O.

MR. SCHIEFER: You have got to realize I agree with Ron, this thing has got to go, there's too much committed up there.

MR. LANDER: Get the pumps ready Carl.

MR. SCHIEFER: The pump station is the main thing for

that. I'm not the least bit worried, I know that is going to happen. That doesn't bother me at all. It's the other items it's so large that you just can't go ahead with Phase Two.

MR. NECIFORE: A lot of the stuff is bonded and the DOT says we have to wait.

MR. SCHIEFER: I have no worry about the pump station at all because if that doesn't happen, nothing is going to happen. One, I see no other way but the way you are proposing but I tend to agree with the other members of the board, we have been here before and I just hope it works.

MR. PETRO: To the rest of the members, I absolutely agree with you. I think if I have spent probably as much time as any other member, if not more and I agree with you it's been one big headache. I don't see any other road to take in a forward path to try to resolve it and get the thing done. We made a list, there's no gray area, it must be done or there's nowhere else to go from there. We're giving this applicant another chance to comply with the wishes of the New Windsor Planning Board.

MR. LANDER: There's the big word, another chance.

MR. DUBALDI: I have.

MR. SCHIEFER: Everybody isn't the same, you have got four guys here.

MR. LANDER: They don't get any C.O.s. You got 2 options here. One, you let them proceed and you give them C.O.s or the other one is you don't give them anything until they finish the list.

MR. PETRO: Without giving C.O.s you heard tonight when we had Mr. Leonardo here, he needs the money from the rent from the gas station so he can do other things on the project.

MR. VAN LEEUWEN: Can I say something to him? I don't want to interrupt you but I just did, you're right but



they haven't kept their word. I'm not talking about these two guys. I'm talking about the project, it has not kept one, one single time.

MR. PETRO: Some things are done.

MR. SCHIEFER: There's always new discusses and I don't know.

MR. LANDER: Always dancing around all this stuff.

MR. VAN LEEUWEN: I am not voting so it doesn't make any difference to me.

MR. PETRO: I do believe I agree we're at a point that there's really, it's very, very, really narrowed down to where they don't this time follow through, there's no gray area.

MR. KRIEGER: If they don't follow through, you keep the, what's the penalty?

MR. PETRO: If we do hold up C.O.s at that time, we'll have 100 percent no risk at all but why are we holding the C.O.s up?

MR. DUBALDI: I think under what they've done so far we already have enough.

MR. PETRO: So you're suggesting, Carmen Dubaldi is suggesting that no more C.O.s are to be given on this project and it's to stop and you're putting this project hold.

MR. DUBALDI: Phase One which has been in front of us 50 times.

MR. PETRO: You're putting this project at risk of failure.

MR. DUBALDI: I'm not putting this project at risk for failure.

MR. PETRO: Anyone holding up the C.O.s is doing that.

MR. DUBALDI: We've had lists, we've had deadlines, black and white deadlines. We've had cutoff dates. We've had meetings. We have been told things are going to happen by certain dates then we're dealing with somebody else and that is not their fault.

MR. PETRO: That is one of the problems we're dealing with a new person on board. He's unaware of the dates.

MR. DUBALDI: You're asking us to release all the rest of the C.O.s in Phase One when there's still work in Phase One that has not been completed.

MR. PETRO: Work in a Phase One basically is bonded and I would say 95 percent of it is completed. Work is not completed.

MR. DUBALDI: I'm only one person, put it to a vote.

MR. LANDER: We're not the ones that are holding this project up. I think the owner is the one that held this project up. We're going to put it to a vote so we'll see where the chips lie.

MR. PETRO: Fine.

MR. VAN LEEUWEN: Don't look at me, you know where I stand.

MR. DUBALDI: But don't say that I am going to hold up this project by the way I vote. I'm not here to hold up the project. I'm here to protect the people in New Windsor and I'm not going to being accused of holding up the project because of something that you feel is unreasonable. I feel that I have been lied to many times, project deadlines have passed and things have not been done. I'm telling you we're going to have problems.

MR. PETRO: When this project does not go forward, when it does not go forward, and it's at risk of failure you know the consequences for the Town of New Windsor.

MR. DUBALDI: So you are saying that he is going to do things wrong anyway so we might as well let him do it

half ass instead of not doing anything at all.

MR. PETRO: I did not say that.

MR. DUBALDI: That is what you're implying, you're saying.

MR. LANDER: Don't put words in his mouth. Let's go.

MR. VAN LEEUWEN: We wasted another hour and a half almost two hours.

MR. LANDER: Well, I'm going to tell you right now, this list here isn't complied with by that scheduled date, I wash my hands of this whole thing, just like you did and I'll abstain from voting at that time. I'll not look at another schedule.

MR. PETRO: Before I go forward, I've heard someone giving me a hard time on my left and I'm getting a little annoyed and I want to hear your solution in the minutes.

MR. DUBALDI: I do not have a solution because I feel that that applicant has lied to us, has given us deadlines and is not going, I do not have a solution at this point. I do not have a solution.

MR. PETRO: You're sure as hell shooting holes in mine.

MR. DUBALDI: This is not going to work. I'm telling you that your solution is not going to work.

MR. PETRO: Do you have another road to take?

MR. DUBALDI: At this point, no I don't.

MR. PETRO: Then let's take mine and see what happens.

MR. DUBALDI: That is up to the Planning Board.

MR. PETRO: I want to eliminate the hold on the remaining C.O.s in Phase One. We're going to take a vote to eliminate the holding or not issuing of the C.O.s for the remainder of the units in Phase One and

to implement this schedule.

MR. LANDER: Vote to release?

MR. BABCOCK: Are you going to do that by motion?

MR. PETRO: Someone make a motion we'll do a normal vote, the schedule that was made up today is going to be Myra wasn't working today but she's going to type the list and issue it to all the members.

MR. VAN LEEUWEN: One thing which should be covered if he is going to walk away from the project he would have done it already.

MR. LANDER: Do we need a vote on it?

MR. VAN LEEUWEN: That is a famous Leonardo saying that is a famous one they've all said.

MR. PETRO: I've heard them all say we're going to walk away, that is the biggest threat in the world, oldest threat in the world. When it comes down do it, it don't mean nothing. You don't have to look at the situation. What you should do, do they have another chance or don't they and I'm not voting and that is where it's at. Do they deserve another chance over the chances they've had or don't they?

MR. PETRO: I agree, the thing is when you say no, the meeting's adjourned, the man does not receive his C.O.'s, what happens tomorrow morning.

MR. DUBALDI: He completes what's needed on Phase One. That is what happens tomorrow.

MR. PETRO: What if he cannot complete it?

MR. DUBALDI: Then he shouldn't have built it to begin with.

MR. PETRO: That is being silly.

MR. LANDER: I make a motion to release the remaining C.O.s in Phase One and to implement the schedule that

is before you now.

MR. SCHIEFER: Where is the schedule?

MR. DUBALDI: Are you going to read the schedule?

MR. PETRO: It's all in the minutes. It's going to be typed up. We have gone over every item 3 times tonight and the dates are in the minutes plus the schedule will be typed up and issued to each member. Motion has been made to release the remaining C.O.s in Phase One. Is there a second?

MR. DUBALDI: Second is not going to come from me, Mr. Chairman.

MR. SCHIEFER: I shouldn't vote because I'm personally involved in this thing.

MR. DUBALDI: I don't hear a second, Mr. Chairman.

MR. PETRO: Motion died for a second.

MR. SHAW: Thank you.

MR. PETRO: I say that this meeting is adjourning.

RESPECTFULLY SUBMITTED BY:

*Frances Roth*

FRANCES ROTH  
STENOGRAPHER

11/2/93

WINDSOR CREST

8A/88 92-42

MR. LANDER: Windsor Crest condos, did everybody read this letter that was in our folder? I don't know what the sprinkler systems have to do with the Planning Board.

MR. DUBALDI: I'm not even going to look at it.

MR. LANDER: The sprinkler systems, because they are defective?

MR. PETRO: I don't want to behavior this too long but a lot of the problems they know that are not Planning Board problems, there's other problems, yes, we still need a schedule for the completion of the pumping station that is the Planning Board item.

MR. DUBALDI: Have they passed the deadline?

MR. PETRO: He passed it but they are diligently working on it every day. I don't know how far along but they are working there.

MR. EDSALL: I can tell you that they are working and working and every deadline there is in the agreement has expired and I can tell you that they verbally promised that they'd have the south detention basin completed by this Friday. And they would have the north detention basin completed by next Friday but I would caution everybody that every other deadline has expired so I don't know what's going to happen but we're monitoring them and trying.

MR. PETRO: Some of the problems there are not ours. They may be building department problems, they may be other problems, shingle flying off or something, we have no control over.

MR. LANDER: I'd like to just go on record stating that the erosion control management for Phase 2 doesn't work.

MR. PETRO: I went there, catch basins a week ago coming down Road B, road C on the north end were full.

July 13, 1994

86

I am not talking about they leaked, like they had stuff, they were full to the brim and the water went over them.

MR. EDSALL: They were put on notice and their engineer put them on notice that they are not complying with the soil erosion implementation plan that Greg Shaw prepared for them. Apparently, they've done very little of it and we advised them that they are most likely in violation of this permit with the DEC.

MR. PETRO: Did you see the silt on 32 last Thursday?

MR. EDSALL: I certainly did and it was brought to their attention that they are not complying with the approved plans and as well their plans prepared by Greg Shaw for the DEC general permit.

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WINDSOR CREST

92-42

MR. PETRO: One other item is Windsor Crest. The pumping station I see it looks like they are very close to completion but I don't know about the workings of it. Have you been there to examine that?

MR. EDSALL: They are working on it. They are working on the detention basins and I guess the phrase any day now would be appropriate.

MR. PETRO: Are you being called for your inspections on a regular basis, has that improved?

MR. EDSALL: We have been getting weekly schedules but I still think they have some organizational problems out there. They just don't seem to be moving forward too quickly.

MR. PETRO: Has the same supervisors been employed there now for more than the last month or two?

MR. EDSALL: Yes, Jim LaPenna (phonetic) is still there. They are moving along but the reason I say I think they have organizational problems is that the contractor who, the latest contractor who's been hired to work on the north detention basin called me and asked me to give him a list of what he has to do to finish the basin and I told him he doesn't work for our office, he works for Windsor Crest Development Corporation and that he should talk to Jim Lapenna. If he has any questions, he should pull out the plans that this board approved and he said well, I don't have any plans. Well, that is where you should start so they are--

MR. PETRO: I also want it noted for the minutes I was contacted by Ms. Jean Patsalos, who's an attorney and she's been retained by the homeowner's association of Windsor Crest and in what direction they are going to go, I don't know. She wants to set up a meeting with myself and I suggested that maybe Mr. Edsall and by the tone of the meeting I'm not sure maybe Andy Krieger attend.



MR. EDSALL: It's unfortunate we're trying to work with them but the problem is the town cannot take the role of being the project super and the foreman of the job and that is really what they are trying to do and I'll try to answer questions but you can't come to us and say you have no plans and what do we have to do so it's still disorganized.

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MR. PETRO: Another thought I had on this call from the attorney, another way I'd like to go about it maybe I can have her here on a discussion after the meeting like we're doing now and she can address the entire board instead of myself and Mark and Andy.

MR. LANDER: Sure.

MR. EDSALL: Makes sense.

MR. KRIEGER: Sounds appropriate.

MR. PETRO: She wants a meeting, I'll set it up, that is what I am, how I'm going to handle that in case she calls me back. I'm sure she will.

MR. LANDER: You'll have everything on record also.

MR. EDSALL: Put it on a short meeting cause I'm sure that may go for a while.


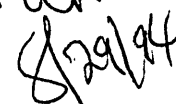
MR. VAN LEEUWEN: I move we adjourn.

MR. SCHIEFER: Second it.

ROLL CALL

MR. SCHIEFER	AYE
MR. LANDER	AYE
MR. PETRO	AYE
MR. VAN LEEUWEN	AYE

Respectfully Submitted By:

  
Frances Roth  
Stenographer 

WINDSOR CREST CONDOMINIUMS - ROUTE 32

MR. PETRO: While you're here, Mark, you have something else, right? You see number 8 on your list, I mentioned last time we were here, I was contacted by an attorney for the homeowner association and they wanted to have some comments and they wanted to go over all kinds of material and I had told her that I would do that. But we would do it in front of the board as a whole. And I think that was the proper thing to do so therefore, I put her on this week's agenda. Mr. Landau had found out about it, not that it was a secret but he wanted to be here personally and being that it is a Jewish Holiday, he asked us if we can postpone it for a month because next meeting also is a Jewish Holiday and evidently there was no problem, am I correct?

MR. PETRO: That is the reason they are not on, that is the reason they were on and they are not on and everything else down there right now they are moving along to some degree is that correct, Mark? I went down and looked at the pump station myself and I guess they are waiting for a flow valve for that?

MR. VAN LEEUWEN: I thought that was working.

MR. PETRO: No, it's not but it's close to working, the way I look at it.

MR. EDSALL: Allegedly. I just want to, there's a letter on its way to New Hilltop Development with a copy to the Supervisor and the Chairman of the Planning Board and Mr. Landau as well, advising him that once again, we did not receive a weekly schedule, that he has assured the town by written agreement we'd receive on a weekly basis and not only did we not receive one particular schedule, which was for the fifth of September that week they in fact that week did paving with no notification. They proceeded with the paving number one without the schedule, number 2, without even a separate letter telling us they are going to be doing it and number 3, even though the board told them we don't want verbal notifications when the backhoe or something is running and you want us to just run right out, they didn't have the courtesy to call and tell us

even though we're not supposed to do it, we're calling you to tell you we're paving. So we didn't know until the paving was finished. Bottom line is I don't see that the procedures are still being complied with. And I'm not satisfied at all with the cooperation level from the representatives out there.

MR. LANDER: Mr. Edsall, let me say this and I have said it time and time again, they are not going to get anywhere with that operation and I don't care who's there, you got to cut the head off the snake.

MR. VAN LEEUWEN: Mark, are those holding ponds working?

MR. EDSALL: They had, they requested that I drop everything and come right out to check the detention basins and in fact I received their schedule, I believe it was yesterday afternoon late, and it reflects that they are still not done, that they are still working on it but they want me to come out and act as their foreman and inspect the detention basin. I told them that I'd come out when they were done to review them. They are not done as of yet but they've made a lot of progress, they've worked quite a bit.

MR. LANDER: I don't know what they are doing in the north detention pond but they bringing dirt in, they take dirt out, I don't know what they are doing. Obviously, they don't know what they are doing.

MR. VAN LEEUWEN: As far as I'm concerned, the original site plan approval for the whole project was that the two holding ponds would both be working, in working order, as far as I'm concerned, I'll take the stand again they violated site plan as far as I'm concerned, they get nothing until they get done.

MR. LANDER: They violated site plan from the first time they put a shovel in the ground.

MR. VAN LEEUWEN: I'm going to be very nice.

MR. EDSALL: I'll let you know that the north road to the project where they paved without us knowing, the

curbing there again there was problems with the curbing, as it was installed, it was not level from the side to side. They had the good sense to rip it all out and do it again and they were very unhappy when we told them that is the right way to fix it but Mr. Shaw actually pushed the issue. He evidently became very loud and explained to them you cannot make the problem go away, you have to rip out the curbs.

MR. VAN LEEUWEN: I think we should have some more borings done.

MR. EDSALL: That is something that the board has to decide, you have got that pavement and we have no witnesses.

MR. VAN LEEUWEN: If they don't call you for the inspection, let them bore it, sorry, just the attitude because they don't listen to us, they don't care.

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 11/16/93

PAGE: 1

LISTING OF PLANNING BOARD FEES  
OTHER

FOR PROJECT NUMBER: 92-42

NAME: WINDSOR CREST - PHASE II (FORMERLY HILLTOP)  
APPLICANT: NEW HILLTOP DEVELOPMENT CORP.

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
10/18/93	5% OF \$49,000.00	CHG	2450.00		
10/19/93	CK 2273 IN PART	PAID		2450.00	
10/27/93	P.B. ATTY. INVOICE	CHG	100.00		
10/29/93	PAID CK #112	PAID		100.00	
11/15/93	P.B. ATTY. FEE	CHG	60.00		
11/15/93	PAID CK. #117	PAID		60.00	
		TOTAL:	2610.00	2610.00	0.00

2450.00  
2450.80  
228.00  
\$ 2,568.80

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 11/15/93

PAGE: 1

LISTING OF PLANNING BOARD FEES  
APPROVAL

FOR PROJECT NUMBER: 92-42

NAME: WINDSOR CREST - PHASE II (FORMERLY HILLTOP)  
APPLICANT: NEW HILLTOP DEVELOPMENT CORP.

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
10/18/93	P.B. APPROVAL FEE	CHG	150.00		
10/19/93	CK 2273 IN PART	PAID		150.00	
		TOTAL:	150.00	150.00	0.00

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 11/15/93

PAGE: 1

LISTING OF PLANNING BOARD FEES  
4% FEE

FOR PROJECT NUMBER: 92-42

NAME: WINDSOR CREST - PHASE II (FORMERLY HILLTOP)  
APPLICANT: NEW HILLTOP DEVELOPMENT CORP.

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
10/18/93	2% OF 394,540.00	CHG	7890.80		
10/18/93	4% OF 50,000.00	CHG	2000.00		
10/19/93	CK. 2273 IN PART	PAID		9890.80	
		TOTAL:	9890.80	9890.80	0.00

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 11/15/93

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 92-42

NAME: WINDSOR CREST - PHASE II (FORMERLY HILLTOP)  
APPLICANT: NEW HILLTOP DEVELOPMENT CORP.

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
11/09/92	SITE PLAN	PAID		1500.00	
02/10/93	P.B.MINUTES	CHG	9.00		
02/24/93	P.B. ATTY FEES	CHG	35.00		
02/24/93	P.B. MINUTES	CHG	184.50		
05/26/93	P.B. ATTY FEE	CHG	35.00		
05/26/93	P.B. MINUTES	CHG	36.00		
06/23/93	P.B. MINUTES	CHG	54.00		
07/21/93	P.B. ATTY FEE	CHG	35.00		
07/21/93	P.B. MINUTES	CHG	90.00		
06/22/93	P.B. ENGINEER FEE	CHG	1249.50		
/ /		CHG	0.00		
10/19/93	CK. 2273 IN PART	PAID		228.00	
		TOTAL:	1728.00	1728.00	0.00

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 07/21/93

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 92-42

NAME: WINDSOR CREST - PHASE II (FORMERLY HILLTOP)  
APPLICANT: NEW HILLTOP DEVELOPMENT CORP.

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	11/09/92	MUNICIPAL HIGHWAY	05/05/93	SUPERSEDED BY REV1
ORIG	11/09/92	MUNICIPAL WATER	11/10/92	APPROVED
ORIG	11/09/92	MUNICIPAL SEWER	05/05/93	SUPERSEDED BY REV1
ORIG	11/09/92	MUNICIPAL SANITARY	05/05/93	SUPERSEDED BY REV1
ORIG	11/09/92	MUNICIPAL FIRE	11/18/92	APPROVED
ORIG	11/09/92	PLANNING BOARD ENGINEER	05/05/93	SUPERSEDED BY REV1
REV1	05/05/93	MUNICIPAL HIGHWAY . SEE REVIEW SHEET FOR DETAILS OF DISAPPROVAL .	05/14/93	DISAPPROVED
REV1	05/05/93	MUNICIPAL WATER	05/14/93	DISAPPROVED
REV1	05/05/93	MUNICIPAL SEWER	/ /	
REV1	05/05/93	MUNICIPAL SANITARY	/ /	
REV1	05/05/93	MUNICIPAL FIRE . SEE MEMO IN FILE FOR CONDITIONS OF APPROVAL	05/29/93	APPROVED - <u>COND</u>
REV1	05/05/93	PLANNING BOARD ENGINEER	/ /	
ORIG	07/21/93	O.C. HEALTH DEPT. . SEE REVIEW IN FILE	<del>07/21/93</del> 05/18/93	APPROVED



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 11/16/93

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]  
A [Disap, Appr]

FOR PROJECT NUMBER: 92-42

NAME: WINDSOR CREST - PHASE II (FORMERLY HILLTOP)

APPLICANT: NEW HILLTOP DEVELOPMENT CORP.

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
11/15/93	LETTER OF CREDIT APPRD BY ATTY . SENT ORIGINAL LETTER OF CREDIT TO TOWN CLERK FOR FILING . EXPIRATION DATE OF LETTER OF CREDIT(\$49,000.00) IS 11/1/96	SENT TO TOWN CLERK
11/15/93	PLANS READY TO BE STAMPED	STAMPED APPROVED
✓07/21/93	P.B. APPEARANCE . THREE BOND ESTIMATES DUE - SEE MINUTES OF 7-21-93	APPR. CONDITIONALLY
07/19/93	SITE VISIT SCHEDULED	SITE VISIT COMPLETE
✓06/23/93	P.B. APPEARANCE (DISCUSSION) . DISCUSSED LANDSCAPE AND LIGHTING PLAN - 7/21/93 AGENDA	TO RETURN
05/26/93	P.B. APPEARANCE . SEQRA WAS DONE ON ORIGINAL APPLICATION (#86-89) . NEED LANDSCAPE PLAN & LIGHTING PLAN - APPR. F.I. PAVE WIDTH	SEQRA DONE ON 86-89
05/26/93	P.B. APPEARANCE (CON'T)	TO RETURN
11/11/92	P.B. APPEARANCE	DISCUSSION
10/06/92	WORK SESSION APPEARANCE	REVISE & SUBMIT
11/06/91	WORK SESSION APPEARANCE	RETURN TO W.S.

12-9-93

- ① Roof - on order - 3 weeks
- ② Pump Station - PHASE II - NO CO'S  
UNTILL Complete 150 DAYS AFTER APPROVAL
- ③ RETENTION Pond
- ④ Downstream \$10,000 BOND IN PLACE AS OF  
NOV. 15TH
- ⑤ CURBS - INSPECTIONS NECESSARY?  
HAVE BEEN REPAIRED
- ⑥ ALL INSPECTIONS CALLED IN
- ⑦ IN THE PROCESS (MIKE WASKER)
- ⑧ CURBS + DRIVEWAYS \$15,000 CASH BOND PHASE 1
- ⑨ Bus Shelter - CASH FLO IMPROVES

RESULTS OF P.B. MEETING

DATE: October 13, 1993

PROJECT NAME: Windoor Crest-Letter of Credit PROJECT NUMBER \_\_\_\_\_

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LEAD AGENCY:

\* NEGATIVE DEC:

M)\_\_\_ S)\_\_\_ VOTE:A\_\_\_ N\_\_\_

\* M)\_\_\_ S)\_\_\_ VOTE:A\_\_\_ N\_\_\_

CARRIED: YES\_\_\_ NO\_\_\_

\* CARRIED: YES:\_\_\_ NO\_\_\_

\*\*\*\*\*

PUBLIC HEARING: M)\_\_\_ S)\_\_\_ VOTE:A\_\_\_ N\_\_\_

WAIVED: YES\_\_\_ NO\_\_\_

SEND TO OR. CO. PLANNING: M)\_\_\_ S)\_\_\_ VOTE:A\_\_\_ N\_\_\_ YES\_\_\_ NO\_\_\_

SEND TO DEPT. OF TRANSPORT: M)\_\_\_ S)\_\_\_ VOTE:A\_\_\_ N\_\_\_ YES\_\_\_ NO\_\_\_

DISAPP: REFER TO Z.B.A.: M)\_\_\_ S)\_\_\_ VOTE:A\_\_\_ N\_\_\_ YES\_\_\_ NO\_\_\_

RETURN TO WORK SHOP: YES\_\_\_ NO\_\_\_

APPROVAL:

M)\_\_\_ S)\_\_\_ VOTE:A\_\_\_ N\_\_\_ APPROVED: \_\_\_\_\_

M)\_\_\_ S)\_\_\_ VOTE:A\_\_\_ N\_\_\_ APPR. CONDITIONALLY: \_\_\_\_\_

NEED NEW PLANS: YES\_\_\_ NO\_\_\_

DISCUSSION/APPROVAL CONDITIONS: \_\_\_\_\_

Letter of Credit: S/B Three year letter of Credit

Mark recommends Bond to be \$49,000.00 5% 2,450.00

S/B to the Town Board

Try for a three year letter of credit - if they can't get it we need to discuss a one year return to the agenda.

92-42

150.00 approval

4% Phase II

\$444,540.00

fee \$9,890.80

50,000.00	4%	2,000.00
394,540.00	2%	7,890.80
<u>444,540.00</u>	<u>Inv. fee</u>	<u>9,890.80</u>

92-28



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

☒ **Main Office**  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640  
  
☐ **Branch Office**  
400 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

**8 October 1993**

**Town of New Windsor Planning Board  
555 Union Avenue  
New Windsor, New York 12553**

**ATTENTION: CHAIRMAN JAMES PETRO AND PLANNING BOARD MEMBERS**

**SUBJECT: WINDSOR CREST CONDOMINIUM PROJECT  
NEW WINDSOR PLANNING BOARD NO. 92-42**

**Dear Mr. Petro and Board Members:**

I have received a copy of the proposed Irrevocable Letter of Credit for the subject project, as issued by Chemical Bank. It is my understanding that this Letter of Credit has been prepared pursuant to the Planning Board meeting of 21 July 1993 and the subsequent letter dated 7 September 1993 from Shaw Engineering, which proposed estimates for the three (3) classifications of work for this project.

With regard to the Letter of Credit and the Shaw Engineering estimate, I have the following comments:

1. With regard to the Phase I Performance Guarantee Estimate (Estimate No. 1), I take no exception to the unit prices and methodology referenced in Mr. Shaw's letter. I cannot, however, verify the quantities or scope of several items of this estimate, since these are effectively reflective of the specific concerns of existing property owners of the condominium project. I do believe, however, that the amount indicated for remaining work to complete the detention ponds appears somewhat low, considering the remaining work which must be accomplished to both basins, to bring same up to the standards described by the Applicant at subsequent Planning Board appearances.

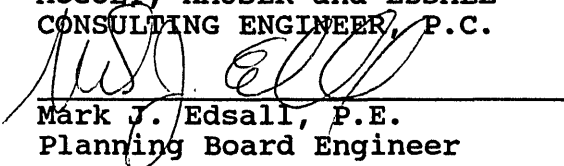
8 October 1993

2. With regard to the Performance Guarantee for Public Improvements for Phase I (Estimate No. 2), I have reviewed this estimate and find same requires revision to reflect the 5' width requirement of the NYSDOT and, as well, reflect more realistic unit prices for municipally bid projects. This estimate should have the total cost increased to \$49,000.00. This will require that the Letter of Credit be corrected to this revised amount.
3. Also with regard to the Letter of Credit, it is my understanding that a term of 1 year is proposed. It is my opinion that this is inappropriate and I recommend to the Board that they require a 3 year term, renewable if the required work is not completed at that time.
4. With regard to Estimate No. 3 for the Phase II private improvements, it is my opinion that this estimate is reasonable for the purpose intended under the Code, for utilization at time of request for Certificate of Occupancies for the project. As a reminder, this improvement estimate is not secured in the form of a Bond at this time, but is rather utilized as a reference in the future when Certificates of Occupancy are requested and certain key site improvements may not have yet been completed.

It is my understanding that this issue is scheduled for discussion at the next regular Planning Board meeting to be held on 13 October 1993. I will be pleased to review this matter further at this time, or answer any other questions of the Board, regarding the above.

Very truly yours,

McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS, P.C.



---

Mark J. Edsall, P.E.  
Planning Board Engineer

MJEmk

cc: Andrew Krieger, Esq.  
Greg Shaw, P.E.

A:PETRO.mk

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 10/19/93

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 92-42

NAME: WINDSOR CREST - PHASE II (FORMERLY HILLTOP)  
APPLICANT: NEW HILLTOP DEVELOPMENT CORP.

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
11/09/92	SITE PLAN	PAID		1500.00	
02/10/93	P.B.MINUTES	CHG	9.00		
02/24/93	P.B. ATTY FEES	CHG	35.00		
02/24/93	P.B. MINUTES	CHG	184.50		
05/26/93	P.B. ATTY FEE	CHG	35.00		
05/26/93	P.B. MINUTES	CHG	36.00		
06/23/93	P.B. MINUTES	CHG	54.00		
07/21/93	P.B. ATTY FEE	CHG	35.00		
07/21/93	P.B. MINUTES	CHG	90.00		
06/22/93	P.B. ENGINEER FEE	CHG	1247.50 ✓		
/ /		CHG	0.00		
		TOTAL:	1726.00	1500.00	226.00

(A)

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 10/19/93

PAGE: 1

LISTING OF PLANNING BOARD FEES  
OTHER

FOR PROJECT NUMBER: 92-42

NAME: WINDSOR CREST - PHASE II (FORMERLY HILLTOP)

APPLICANT: NEW HILLTOP DEVELOPMENT CORP.

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
10/18/93	5% OF \$49,000.00	CHG	2450.00		
		TOTAL:	2450.00	0.00	2450.00

(B)



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 10/19/93

PAGE: 1

LISTING OF PLANNING BOARD FEES  
4% FEE

FOR PROJECT NUMBER: 92-42

NAME: WINDSOR CREST - PHASE II (FORMERLY HILLTOP)

APPLICANT: NEW HILLTOP DEVELOPMENT CORP.

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
10/18/93	2.4% OF 394,540.00	CHG	7890.80		
10/18/93	4.2% OF 50,000.00	CHG	2000.00		
		TOTAL:	9890.80	0.00	9890.80

(C)

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 10/19/93

PAGE: 1

LISTING OF PLANNING BOARD FEES  
APPROVAL

FOR PROJECT NUMBER: 92-42

NAME: WINDSOR CREST - PHASE II (FORMERLY HILLTOP)

APPLICANT: NEW HILLTOP DEVELOPMENT CORP.

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
10/18/93	P.B. APPROVAL FEE	CHG	150.00		
		TOTAL:	150.00	0.00	150.00

(D)

A.	\$	226.00	
B.		2,450.00	
C.		9,890.80	
D.		150.00	-
		<u>\$12,716.80</u>	Total

MEMORANDUM

TO: TOWN OF NEW WINDSOR TOWN BOARD

FROM: NEW WINDSOR PLANNING BOARD

SUBJECT: RECEIVE & FILE LETTER OF CREDIT FOR:

WINDSOR CREST CONDOMINIUMS (P.B. FILE #92-42)  
WINDSOR HIGHWAY  
TOWN OF NEW WINDSOR, NY

DATE: NOVEMBER 15, 1993

Please find attached a "Letter of Credit" for Windsor Crest Condominiums in the amount of \$49,000.00, naming as beneficiary the Town of New Windsor, to be received and filed by the Town Clerk of the Town of New Windsor.

Please note the expiration date for subject document, as specified in "Amendment #2", is November 1, 1996.

We hope the above information is satisfactory for processing this document and if you should have any questions in the interim, please contact our office.

Very truly yours,

*Myra Mason*  
Myra Mason, Secretary to the P.B.

MLM:mlm

cc: Pauline Townsend, Town Clerk - w/attachment  
Larry Reis, Comptroller - w/attachment  
Mark Edsall, P.E., P.B. Engineer - w/attachment  
Andrew Kreiger, Atty. for the P.B. - w/attachment  
P.B. File #92-42

# Shaw Engineering

Consulting Engineers

744 Broadway  
P.O. Box 2569  
Newburgh, New York 12550  
(914) 561-3695

September 7, 1993

TOWN OF NEW WINDSOR PLANNING BOARD  
555 Union Avenue  
New Windsor, New York 12550

Att: Mark Edsall, P.E.

Re: Public and Private Improvement Estimates  
Windsor Crest Condominiums - Phase I and Phase II

Dear Mark:

Pursuant to the direction of the New Windsor Planning Board at their July 21, 1993 meeting, I have presented below 3 estimates for both public and private improvements for Phases I and II of the Windsor Crest Condominiums. For your review and approval I offer the following:

PHASE I  
PERFORMANCE GUARANTEE ESTIMATE NO. 1

	<u>Amount</u>
<u>Removal And Replacement Of Existing 3 Ft. Wide Sidewalks</u> Sidewalks: 300 l.f. @ \$13 per l.f.	\$ 4,000
<u>Removal And Replacement Of Existing Curbs</u> Curbs: 330 l.f. @ \$15 per l.f.	\$ 5,000
<u>Removal And Replacement Of Existing Driveways</u> Driveways: 20 driveways @ \$300 per Driveway	\$ 6,000
<u>Detention Ponds</u> Fine grading, seeding, replacement of fence sections, complete rip-rap and landscaping	\$ 2,000 ✓

This work would be secured by a cash bond.

PHASE I  
PERFORMANCE GUARANTEE ESTIMATE NO. 2

Curbs/Sidewalks On Windsor Highway

Installation of 775 l.f. of concrete curbing and sidewalk  
(4 feet wide) on Windsor Highway \$24,800

Curbs: 775 l.f. @ \$15 per l.f. = \$ 11,625  
Sidewalks: 775 l.f. @ \$17 per l.f. = \$ 13,175

Pavement Replacement At North Entrance

Removal of existing macadam binder and r.o.b. gravel \$ 8,000  
at the north entrance onto Windsor Highway. Regrade  
existing subbase, and install new 8" course of r.o.b.  
gravel and 4" course of macadam binder

Removal and regrade: 3,300 s.f. = \$ 2,000  
Place r.o.b. gravel: 80 c.y. @ \$20/c.y. = \$ 1,600  
Place macadam binder: 80 tons @ \$55/ton = \$ 4,400

Off-Site Drainage Improvements

Installing of storm drainage piping and catch As Agreed \$10,000  
basins on Margo Street including restoration By Developer  
of disturbed surfaces

Storm drain piping: 744 l.f. @ \$20 per l.f. = \$14,880  
Catch basins: 7 basins @ \$1,000 per basin = \$ 7,000  
Restoration: 744 l.f. @ \$ 4 per l.f. = \$ 2,976  
\$24,856

## ESTIMATE TOTAL

*Received Letter  
of Credit # T-218343* \$42,800

This would be secured by an Irrevocable Letter Of Credit acceptable to the Town  
of New Windsor.

PHASE II  
PRIVATE IMPROVEMENT ESTIMATE

<u>ITEM</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
<u>Roadway</u>			
Macadam Pavement	9,460 S.Y.	\$ 10	\$ 94,600
Concrete Curbing	6,560 L.F.	\$ 9	\$ 59,040
Patterned Walkways	3,600 L.F.	\$ 15	<u>\$ 54,000</u>
			<u>\$ 207,640</u>

PHASE I  
PERFORMANCE GUARANTEE ESTIMATE NO. 2

Curbs/Sidewalks On Windsor Highway

5 X Installation of 775 l.f. of concrete curbing and sidewalk  
(4 feet wide) on Windsor Highway

\$24,800

31,000

5 ft wide

\$ 23/ft

17825

Curbs: 775 l.f. @ \$15 per l.f. = \$ 11,625

Sidewalks: 775 l.f. @ \$17 per l.f. = \$ 13,175

Pavement Replacement At North Entrance

Removal of existing macadam binder and r.o.b. gravel  
at the north entrance onto Windsor Highway. Regrade  
existing subbase, and install new 8" course of r.o.b.  
gravel and 4" course of macadam binder

\$ 8,000

Removal and regrade: 3,300 s.f. = \$ 2,000

Place r.o.b. gravel: 80 c.y. @ \$20/c.y. = \$ 1,600

Place macadam binder: 80 tons @ \$55/ton = \$ 4,400

Off-Site Drainage Improvements

Installing of storm drainage piping and catch  
basins on Margo Street including restoration  
of disturbed surfaces

As Agreed \$10,000  
By Developer

Storm drain piping: 744 l.f. @ \$20 per l.f. = \$14,880

Catch basins: 7 basins @ \$1,000 per basin = \$ 7,000

Restoration: 744 l.f. @ \$ 4 per l.f. = \$ 2,976

\$24,856

ESTIMATE TOTAL

\$42,800

This would be secured by an Irrevocable Letter Of Credit acceptable to the Town  
of New Windsor.

PHASE II  
PRIVATE IMPROVEMENT ESTIMATE

<u>ITEM</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
<u>Roadway</u>			
Macadam Pavement	9,460 S.Y.	\$ 10	\$ 94,600
Concrete Curbing	6,560 L.F.	\$ 9	\$ 59,040
Patterned Walkways	3,600 L.F.	\$ 15	\$ 54,000
			\$ 207,640

September 7, 1993

<u>ITEM</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
<u>Water Distribution System</u>			
8-Inch Mainline	930 L.F.	\$ 20	\$ 18,600
12-Inch Mainline	710 L.F.	\$ 25	\$ 17,750
Valves	4	\$ 500	\$ 2,000
Hydrant Assemblies	3	\$ 1,200	\$ 3,600
			\$ 41,950
<u>Sanitary Sewer System</u>			
8-Inch Mainline	1,725 L.F.	\$ 20	\$ 34,500
Manholes	15	\$ 1,000	\$ 15,000
			\$ 49,500
<u>Storm Water System</u>			
Catch Basins	18	\$ 900	\$ 16,200
Flushing Basins	3	\$ 1,000	\$ 3,000
15-Inch Pipe	980 L.F.	\$ 15	\$ 14,700
18-Inch Pipe	780 L.F.	\$ 20	\$ 15,600
			\$ 49,500
<u>Miscellaneous</u>			
Site Lighting	19 Bldgs.	\$ 2,000	\$ 38,000
Landscaping	19 Bldgs.	\$ 3,000	\$ 57,000
Pavement Striping	19 Bldgs.	\$ 50	\$ 950
			\$ 95,950

CONSTRUCTION ESTIMATE TOTAL

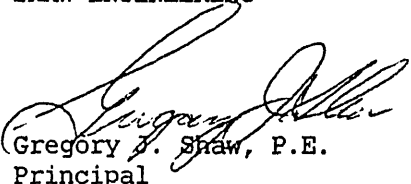
\$ 444,540 4% 50,000.  
2%

A performance guarantee would only be required at the time of the issuance of a Certificate of Occupancy for that uncompleted work relevant to the Certificate of Occupancy.

Windsor Crest thanks you for your attention to this matter, and awaits your acceptance of these bond amounts.

Respectfully submitted,

SHAW ENGINEERING

  
Gregory J. Shaw, P.E.  
Principal

GJS:mmv

cc: New Hilltop Development Corp.  
Mike Waskew

AS OF: 06/22/93

PAGE: 1

CHRONOLOGICAL JOB STATUS REPORT

JOB: 57-56 NEW WINDSOR PLANNING BOARD (Chargable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 72- 41

FOR WORK DONE PRIOR TO: 06/25/93

										-----DOLLARS-----			
TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	TIME	EXP.	FILLED	BALANCE		
92-41	58748	01/04/93	TIME	NJE	MC HILLTOP II	70.00	0.30	21.00					
92-41	59201	01/11/93	TIME	NJE	PM HILLTOP W/DEFW	70.00	0.80	56.00					
92-41	59228	01/18/93	TIME	NJE	NO HILLTOP II T/C	70.00	0.40	28.00					
92-41	59606	01/18/93	TIME	NJE	MC HILLTOP T/S W/S SWP	70.00	0.30	56.00					
92-41	59610	01/18/93	TIME	NJE	MC HILLTOP II	70.00	0.30	21.00					
92-41	64052	01/25/93	TIME	NJE	FI HILLTOP SITE/GRAIN	70.00	0.40	28.00					
92-41	65480	04/06/93	TIME	NJE	FM MTS W/NAEVIEW-SHOW	70.00	1.50	105.00					
92-41	67619	05/07/93	TIME	NJE	PM WINDSOR CREST/SIGNARDO	70.00	1.00	70.00					
92-41	68309	05/12/93	TIME	NJE	NO HILLTOP II	70.00	0.50	35.00					
92-41	68309	05/12/93	TIME	NJE	MC HILLTOP II	70.00	0.50	35.00					
92-41	68349	05/14/93	TIME	NJE	MC HILLTOP II	70.00	0.40	28.00					
92-41	68377	05/20/93	TIME	NJE	PM WINDSOR CREST	70.00	1.50	105.00					
92-41	68643	05/21/93	TIME	NJE	NO WND CR CRD-FIRE INSP	70.00	0.40	28.00					
92-41	68678	05/21/93	TIME	NJE	DL WINDSOR CREST-MEND	25.00	0.50	12.50					
92-41	68688	05/24/93	TIME	NJE	MC HILLTOP II	70.00	0.50	35.00					
92-41	68713	05/26/93	TIME	NJE	DL W/REVIEW COMMENTS	25.00	0.50	12.50					
92-41	68716	05/26/93	TIME	FOH	MR HILLTOP DRNG	60.00	2.00	120.00					
92-41	68851	05/26/93	TIME	NJE	NO WINDSOR CREST II	70.00	0.50	35.00					
92-41	71412	06/04/93	TIME	FOH	MC HILLTOP DRAINAGE	60.00	2.00	120.00					
92-41	71576	06/07/93	TIME	NJE	MC WIND CREST II	70.00	0.40	28.00					
92-41	70704	06/09/93	TIME	NJE	MC WIND CREST II	70.00	0.40	28.00					
92-41	70715	06/10/93	TIME	NJE	FI WINDSOR CREST/STON WTR	70.00	1.00	70.00					
92-41	71724	06/14/93	TIME	NJE	WS WINDSOR CREST-TS MTS	70.00	0.40	28.00					
92-41	71503	06/15/93	TIME	NJE	MC HILLTOP	70.00	0.30	21.00					
92-41	71207	06/17/93	TIME	FOH	MC HILLTOP DRAINAGE	60.00	1.00	60.00					
92-41	71335	06/21/93	TIME	NJE	MC WINDSOR CREST	70.00	0.40	28.00					
92-41	71335	06/21/93	TIME	NJE	MC WINDSOR CREST	70.00	0.30	21.00					
92-41	70791	07/01/93	TIME	NJE	DL W/REVIEW COMMENTS	25.00	0.50	12.50					
TASK TOTAL								1247.50	0.00	0.00	1247.50		
GRAND TOTAL								1247.50	0.00	0.00	1247.50		



AS OF: 06/22/93

PAGE: 1

## CHRONOLOGICAL JOB STATUS REPORT

JOB: 27-56 NEW WINDSOR PLANNING BOARD (Chargeable to Resident)

CLIENT: NEWTON - TOWN OF NEW WINDSOR

TAB: F3- 17

FOR WORK DONE PRIOR TO: 03/26/93

										-----DOLLARS-----			
TAB-JOB	REC	--DATE--	TEAM	EMPL	ACT DESCRIPTION-----	RATE	HRS.	TIME	EXP.	FILLED	BALANCE		
27-56	66061	05/12/93	TIME	MOA	CL W/REVIEW COMMENTS	25.00	0.50	12.50					
27-56	66062	05/12/93	TIME	MOE	MC WILLTOP 1	70.00	0.40	28.00					
27-56	66063	05/12/93	TIME	MOA	CL W/REVIEW COMMENTS	25.00	0.50	12.50					
27-56	66064	05/24/93	TIME	MOE	MC WINDSOR CREST B/P AK	70.00	0.50	35.00					
27-56	70065	05/25/93	TIME	MOE	MC WIND CR B/P APPL	70.00	0.10	7.00					
								=====	=====	=====	=====		
TASK TOTAL								95.00	0.00	0.00	95.00		
.....													
								=====	=====	=====	=====		
GRAND TOTAL								95.00	0.00	0.00	95.00		

05 07 06 02 90

PAGE: 1

CHRONOLOGICAL JOB STATE REPORT

JOB: 87-34 NEW WINDSOR PL- KING BOARD (Chargeable to Accident)

CLIENT: NEWMD - TOWN OF NEW WINDSOR

DATE: 02-03

FOR WORK DONE PRIOR TO 02-03-90

										DOLLARS			
TIME	NO	SEC	DATE	TRAF	EMPL	ACT DESCRIPTION	RATE	HRS.	TIME	EXP.	BILLED	BALANCE	
*****													
01-18	47841	06-10-90	TIME	NIE	NO	HILLTOP #1	25.00	0.40	10.00				
01-18	47871	06-10-90	TIME	NIE	PA	HILLTOP	25.00	0.40	10.00				
01-18	47872	06-10-90	TIME	NIE	PI	HILLTOP-FLD NYS	25.00	0.50	12.50				
01-18	47873	06-10-90	TIME	NIE	PA	HILLTOP	25.00	0.20	05.00				
01-25	48481	07-08-90	TIME	NIE	NO	HILLTOP AD B/F APPL	25.00	0.10	2.50				
01-18	48794	08-08-90	TIME	NIE	NO	REVIEW FINAL PLAN	25.00	0.70	17.50				
										-----			
										123.50			
01-18	50287	10-14-90			BILL	92-355	25				-123.50		
										-----			
										-123.50			
01-18	55016	04-10-90	TIME	NOL	DL	W.NEXT	25.00	0.50	12.50				
01-18	55021	04-10-90	TIME	NIE	PI	HILLTOP DRAINAGE	25.00	1.00	25.00				
01-18	55027	04-05-90	TIME	NOL	DL	W.NEXT	25.00	0.50	12.50				
										-----			
										213.50			
01-18	57807	02-17-90			BILL	90-275					-213.50		
										-----			
										-213.50			
									=====	=====	=====	=====	=====
									TOTAL TOTAL	213.50	0.00	-213.50	0.00
*****													
									=====	=====	=====	=====	=====
									GRAND TOTAL	213.50	0.00	-213.50	0.00

Valois, Charles - to review Dick's file: Not P.B. issue

Catanzaro (91-13) Need approval of Cost Estimate and Engineer fees ✓  
Est. OK \$30,376.

Blossom Hts (93-11) Sect. II - Is plan OK - Need Engineer fees ✓  
OK

~~New Windsor Business Park~~

New Windsor Business Park - Need Engineer fees ✓

George Ross (88-59) Need letter for Pat Torsey ✓  
Need Cost Estimate Approval + Engineer fees

\* Windsor Crest - <sup>Amendment III</sup> Phase I (93-17) Status ? No Cost Est. Due - Need Engineer fees  
Windsor Crest - <sup>Amendment II</sup> Phase I (92-28) Status ? No Cost Est. Due - Need Eng. fees  
Windsor Crest - Phase II (92-42) Status ? Three Cost Estimates Due

Helmer (91-2) Need Stamped Approved Plan

93-17  
\* Don't Stamp till I get bond }  
92-28 OK to stamp } Do nothing till Bonds & fees  
92-42 OK } are in



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

- ☐ **Main Office**  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- ☐ **Branch Office**  
400 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

**2 November 1993**

**Town of New Windsor  
555 Union Avenue  
New Windsor, New York 12553**

**ATTENTION: CHAIRMAN JAMES PETRO AND PLANNING BOARD MEMBERS**

**SUBJECT: WINDSOR CREST CONDOMINIUM PROJECT  
REVIEW OF PHASE II PUBLIC IMPROVEMENT LETTER OF CREDIT  
NEW WINDSOR PLANNING BOARD NO. 92-42**

**Dear Chairman Petro and Board Members:**

I have received, via facsimile, a copy of the revised Letter of Credit for the subject project, with respect to the public improvements proposed in connection with Phase II of the site plan. As you are aware, I took exception to the amount and form of the previous letter of credit submitted, with my objections outlined in my previous letter to the Board dated 8 October 1993.

The new Letter of Credit submitted appears to be the same previous L/C, with two additional sheets added as amendments to the Letter of Credit. It is my understanding that the amount of the Letter of Credit has been increased as per my previous comments and, as well, the term of the L/C has been extended to 1 November 1996.

Based on the above, please be advised that it is my opinion that the Letter of Credit is acceptable, relative to my previous objections; however, it is my understanding that Andy Krieger is also reviewing the Letter of Credit and his acceptance should also be received prior to the Board considering formal approval of the Letter of Credit.

Town of New Windsor

2 November 1993

-2-

If you have any further questions concerning this matter, please do not hesitate to contact the undersigned at your convenience.

Very truly yours,

McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS, P.C.

Mark J. Edsall

Mark J. Edsall, P.E.  
Planning Board Engineer

MJEss

a:windcrst.ss

Date ..... November 16, ..... 19.93.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO ..... Andrew S. Krieger ..... DR.

219 Quassaick Avenue, New Windsor, NY 12553

DATE Re: Windsor Crest

**CLAIMED**

**ALLOWED**

[illegible]

ANDREW S. KRIEGER  
ATTORNEY AT LAW  
219 QUASSACK AVENUE  
SQUIRE SHOPPING CENTER, SUITE 3  
NEW WINDSOR, NEW YORK 12553  
  
(914) 562-2333

November 16, 1993

Town of New Windsor Planning Board  
555 Union Avenue  
New Windsor, New York 12553

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FOR PROFESSIONAL SERVICES RENDERED

Re: Windsor Crest,

10-29 to M. Waskew; 11-1 prepare memo to Planning  
Board; 11-8 to M. Landau

Total time spent .6 hours x \$100.00 per hour \$60.00

ANDREW S. KRIEGER  
ATTORNEY AT LAW  
219 QUASSAICK AVENUE  
SQUIRE SHOPPING CENTER, SUITE 3  
NEW WINDSOR, NEW YORK 12553  
(914) 562-2333

November 3, 1993

James Petro, Chairman  
New Windsor Planning Board  
555 Union Avenue  
New Windsor, New York 12553

Re: Letter of Credit

Dear Mr. Petro:

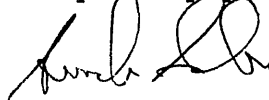
Two amendments to the letter of credit submitted by Windsor Crest (New Hilltop Development Corp.) have been received. These amendments increase the amount of the letter of credit and extend its expiration to November 1, 1994.

There are two questions outstanding. First, the beneficiary is listed at the Town of New Windsor Planning Board. The beneficiary should be the Town of New Windsor. Second, there does not appear to have been any mention of renewability. I suggest that the applicant commit itself to complete all work no later than September 15, 1994. This will allow time in case the work has not been completed to collect on the letter of credit.

By copy of this letter I am advising the applicant.

Thank you.

Very truly yours,



ANDREW S. KRIEGER

ASK:mmt  
cc: Mark Edsall  
New Hilltop Development Corp.



WINDSOR CREST

MR. BABCOCK: There was a request that the Windsor Crest be on for the 10th which is tonight. The chairman of the Planning Board, Jimmy Petro, said that him and Carl would not be here that night and thought that it would be best and also with the applicant that it be moved to the next meeting.

MR. LANDER: We're discussing the meeting on Thursday.

MR. EDSALL: The meeting that we had with the Windsor Crest the new representative were pursuant to a meeting with the Town Board where they asked for sewer service they asked for their eligibility for sewer service for the overall parcel because it was considered under SEQRA years ago for sewer service. That was a Town Board issue, the Town Board effectively said that they are willing to consider it but they are not going to consider it until they straighten out the problems that pre-exist on Phase One and they appointed Ernie Spignardo Councilman to spearhead the Town Board's review of the problem so that they get resolved before they even talk about sewer. Those are the meetings that occurred this last week and that was one that was just in-house and there was a follow-up meeting at the condo association or condo office and we spoke with Mr. Waskew and all the board, this board's concerns about proper notification for inspection were all delivered in writing and he is going to respond with acknowledgment of those and a schedule for getting all these outstanding items straightened out.

MR. BABCOCK: And he is going to respond to this board.

MR. EDSALL: I asked him to write the letter addressed to the Town Board and the Planning Board giving copies to myself and other people who are concerned. But it's both boards that are working on it now so that is the status we're waiting for Mr. Waskew to send us a letter.

MR. LANDER: The long and short of it is until they straighten up their act and do things they are supposed

February 10, 1993

24

to do, they are not going anywhere.

MR. VAN LEEUWEN: They shouldn't be.

MR. LANDER: Absolutely right.

MR. VAN LEEUWEN: It should be handled.

MR. LANDER: But they have been this board and the not so much Town Board but this board has bent over backwards for that project.

MR. DUBALDI: Those days are over.

MR. LANDER: We have had more meetings on that project.

MR. VAN LEEUWEN: Than all the other projects in this Town put together, most of them are just chiseling items off the site plan, I'm tired of it.

WINDSOR CREST SITE PLAN - PHASE II (92-42) RT. 32

Gregory Shaw of Shaw Engineering and Michael Waskew appeared before the board for this proposal.

MR. PETRO: We have additional approval on fire, I'm not going to go into that now because we don't need to. You're go to address most of the items.

MR. SHAW: From what I recollect, Bob wants 30 feet on the main loop, 30 feet on Road B, and the other roads that being drive road C, drive D and the stubs to be 24 feet that is what the memo says so we finally have a resolution to that effect now and we'll change the plans accordingly.

MR. LANDER: What are we changing, what was road C before?

MR. SHAW: It was always 24, this is going to go from 20 to 24, this will remain 30 and this stays at 24 so really the only changes this gets bumped from 20 to 24.

MR. EDSALL: Was road C on the original concept plan 30 foot, Greg, cause all the crossroads were 30.

MR. SHAW: Find the, it's on the original concept plan.

MR. EDSALL: The one that was overall reviewed when Phase One was received approval, Greg, it may have been-- all crossroads previously were 30 and I agree with Bob's recommendation of 24 so what road C and road D are going to be 24 since they are really not through roads, they are just connector roads.

MR. WASKEW: Road D did not exist in the original concept.

MR. EDSALL: Road D is a new road.

MR. WASKEW: What we've done generally speaking and the concept is essentially the same that you have been looking at for the last couple of years, what has changed is that we've tried to soften some of the roadways, we've tried to retain as much existing

vegetation as possible, that is why this other plan was put up here, the darker green is what we believe where we believe there are existing large stands of trees and we have gone to a lot of effort, the surveyor has laid out this road, we've cleared the brush around it. We've tried to isolate the areas where the large trees are and we have tried to save as many of them as we can that precipitated some change in the building types and where exactly they were located. This building was moved that building was moved some of these other buildings have changed the major change in building types is that there are no longer any apartment flats shown in Phase Two. They are all town home type buildings, although they are shaded in 2 different colors on this plan and they look different on the plan in front of you. What it really means is that there are larger garage town homes and there are smaller town homes without garages. There's still the amount of units obviously and that is pretty much where it is at. The plan was the modifications to this Phase Two since you saw it in concept form we're done to try to minimize the amount of earth we were going to move and minimize the amount of natural vegetation we were going to take down. As an example, all of the utilities originally, the water lines were in the roads, the sewer lines were behind the buildings, that is somewhat more cost effective way to build, that is cheaper. We relocated all the utilities into the roads because again that really minimizes the amount of soil you disturb, minimizes the amount of sites you breakdown on an alternative we have gone to great lengths to try to minimize the type of topo we have disturbed. In a nutshell, that is what all of that was about. Some of the other things we have created little pedestrian ways that wander off into the wide wooded areas and up into the hills and allow a more human kind of travel within the site. So that the site itself is not exclusively geared to the travel of the automobile. We like to get people out into the streets, that builds the community.

MR. PETRO: Under the new 911 program the streets are going to need to be named in this area and given numbers.

MR. EDSALL: Bob has talked to Mike already.

MR. WASKEW: Yes we should be submitting names for all the streets I think Bob himself is going to number the units.

MR. PETRO: Also are you going to have names for Phase One, obviously it's a contiguous street instead of Road A, road B and cross streets.

MR. WASKEW: Right, we do have some proposed names.

MR. PETRO: That should be done because they are looking for Helen Street in Phase Two and it starts down here, it's going to start on--

MR. WASKEW: We have got some names under consideration and there's some people that want to call them George Drive and Bill Drive but we hopefully will resolve those names and get them to you.

MR. PETRO: For the minutes, I want to note to the public and to members of the board that I do own land to the northwest of this property, that is my residence, primary residence, and on this map it's noted as lands of Maharey and lands of Belitz. Also landscaping plan complete landscaping plan and lighting plan will be required in Phase Two.

MR. WASKEW: What we had discussed was to show a typical landscaping plan for what we in fact do is have our landscape consultants create actual plans sort of nature of working on a site that is as difficult as this to work on is that it's very hard to fix in stone exactly stone exactly what the topo is going to be around the building. The kind of landscaping that happened the newest landscaping that has happened at Windsor Crest was the response to what the specific topo happened to be in that area. So what they did for the whole site is counterproductive, one of the discussions we had was that we would do a typical landscaping plan for a cluster and that would be at a minimum, that is the kind of landscaping that would happen at a particular area and however as we got to each of the spots, we would have to be a little bit more site sensitive. I think specific site sensitive

so the landscaping, yes, we'll produce a landscaping plan. Additionally the lighting plan we'll produce is a generalized lighting plan but we want to change some of the lighting concepts from the way they are done in Phase One and in fact we may want to modify that in Phase One the types of lamps that are used we want to make a theme, and we want to add low level lighting.

MR. PETRO: You want an approval on this tonight?

MR. WASKEW: Sure, why not. What we'd like to do is I think our goal is to have this plan referred to the Orange County Planning Board for their comments, we'd like the Planning Board to give us some further response on our ideas.

MR. EDSALL: When the overall project was reviewed initially, the Planning Department commented because I believe we had gotten DOT and Planning as part of the SEQRA review, the total project I think what we're looking at here is effectively we attempted when we reviewed the project and I mean project ignoring certain lines we took care of SEQRA and we took care of all the agency reviews.

MR. PETRO: I'm talking Phase Two of the project involves development of additional 130 residential units for the project resulting in a total of 149 residential units. The overall project including Phases One and Two previously was reviewed by the Planning Board and received a preliminary endorsement from the board. Since that endorsement, the applicant has made application to the Orange County Department of Health and as well has made some minor adjustments to the footprint of the project with regard to the water and sewer for the project, it's my understanding that the Orange County Department of Health has granted approval for the water main extension with regard to the sewer, it's necessary that the applicant receive verification from the Town Board that the sewer service is available for Phase Two of this project. What I want to know is if the whole project went to Orange County Planning at one time, I believe we did site plans, there's no such thing as preliminary approval and we're caught in the difficult position that the

Health Department won't review Greg's plans unless they get a letter. We just change the words and calling it preliminary endorsement which means you have looked at it and in general the overall project is acceptable and that is where the total project stands and I believe I know for SEQRA, the entire environmental review is complete and unless something changed that stands and it's my belief that all outside agencies and both involved and interested have been contacted and that has been closed out. It's really up to this board as well as the Town Board for sewer.

MR. LANDER: Because it can't move forward because there's a moratorium still.

MR. EDSALL: Well, see the difficulty we have is that the moratorium applies to extensions, this is not under the State Law an extension and it's not an extension that is defined an extension under the moratorium. We have to understand when the moratorium was imposed there were projects that were accounted for as being projects that were included in the committed sewer flow and rather than leave that burden on this board, what I am saying is the Town Board has to actually, cause they are the one that gets the moratorium, we should keep out of it.

MR. PETRO: Basically you're saying Orange County Planning has already seen it and there's no need.

MR. EDSALL: I think it's important that you look at the plan if you agree or disagree with Bob Rogers' recommendation and my recommendation is to accept 24 foot roads for those 2 upper crossroads as we'll keep in mind that there's another cross road being added so you have to be aware of that.

MR. PETRO: I remember at one point they were even smaller in width than that.

MR. WASKEW: Yes.

MR. PETRO: We asked for 20 and Bob wants to go a little bit more.

MR. EDSALL: I was maintaining that I felt 24 is appropriate.

MR. LANDER: I'm only one member but I agree with what's down there they are acceptable.

MR. PETRO: You agree with Bob's list?

MR. LANDER: Yes.

MR. PETRO: Does the owner or builders have problems with that?

MR. WASKEW: I think that is fine.

MR. PETRO: Just adopt that and not belabor the point. Do you want it in the form of a motion or just--

MR. EDSALL: That would be fine.

MR. PETRO: Someone make a motion to accept Bobby Rogers proposal for the pavement widths?

MR. LANDER: So moved.

MR. SCHIEFER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board accept Bob Rogers New Windsor Town of New Windsor Fire Inspector proposal for the pavement widths for Windsor Crest condo site plan Phase Two.

MR. DUBALDI: Why are we doing this many?

MR. EDSALL: It's important only because the board in general in the past has said that all roads in multi family developments have to have 30 foot widths and what you're doing here is you're saying given the special conditions of these 2 roads that they are not main through roads that they have limited use, there's not a lot of units they are very short roads.

MR. DUBALDI: We're not giving them permission to build the roads?



MR. EDSALL: You're accepting the 24 foot width shown on the plan because it's not your standard. There's no Town Law that says what it has to be.

MR. PETRO: The applicant is saying these were parking areas and we're saying they are roads.

MR. DUBALDI: I know I just wondered why we need a motion to that effect.

MR. EDSALL: Only acknowledging the special condition of these two because you don't want to set a precedent.

ROLL CALL

MR. SCHIEFER	AYE
MR. LANDER	AYE
MR. PETRO	AYE
MR. DUBALDI	AYE

MR. PETRO: How about lead agency?

MR. EDSALL: You can do lead agency but beyond that they need to go to the Town board.

MR. LANDER: We can do lead agency?

MR. KRIEGER: SEQRA process has been closed up.

MR. EDSALL: We had to do it for Phase One because we were doing an amendment so as long as this is generally consistent and I believe it is with what you have already done for the overall project, you can leave SEQRA as it is because you're not changing this portion.

MR. PETRO: Planning Board should require that a bond estimate should be submitted.

MR. WASKEW: Okay.

MR. PETRO: Get to work on the names of the roads and all the numbering and all that. That is very

important, that is chief of police was heading that up. Why can't we do some numbering in Phase One?

MR. EDSALL: Bob will most likely take a plan and number all of it for him.

MR. EDSALL: When you go to the Town Board, you may want to have those with you, the verification from the clerk's office that they don't repeat, Bob can help you out on that.

MR. SCHIEFER: These are all two story?

MR. WASKEW: All two story, all town homes.

MR. SCHIEFER: So the floor space is approximately twice the external dimensions?

MR. WASKEW: That is correct.

MR. PETRO: Thank you.

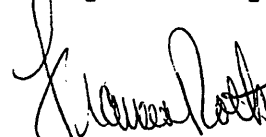
MR. SCHIEFER: I make a motion we adjourn the meeting.

MR. DUBALDI: I second it.

ROLL CALL

MR. SCHIEFER	AYE
MR. LANDER	AYE
MR. PETRO	AYE
MR. DUBALDI	AYE

Respectfully Submitted By:

  
Frances Roth  
Stenographer 6/8/93

WINDSOR CREST - PHASE II (92-42) RT. 32

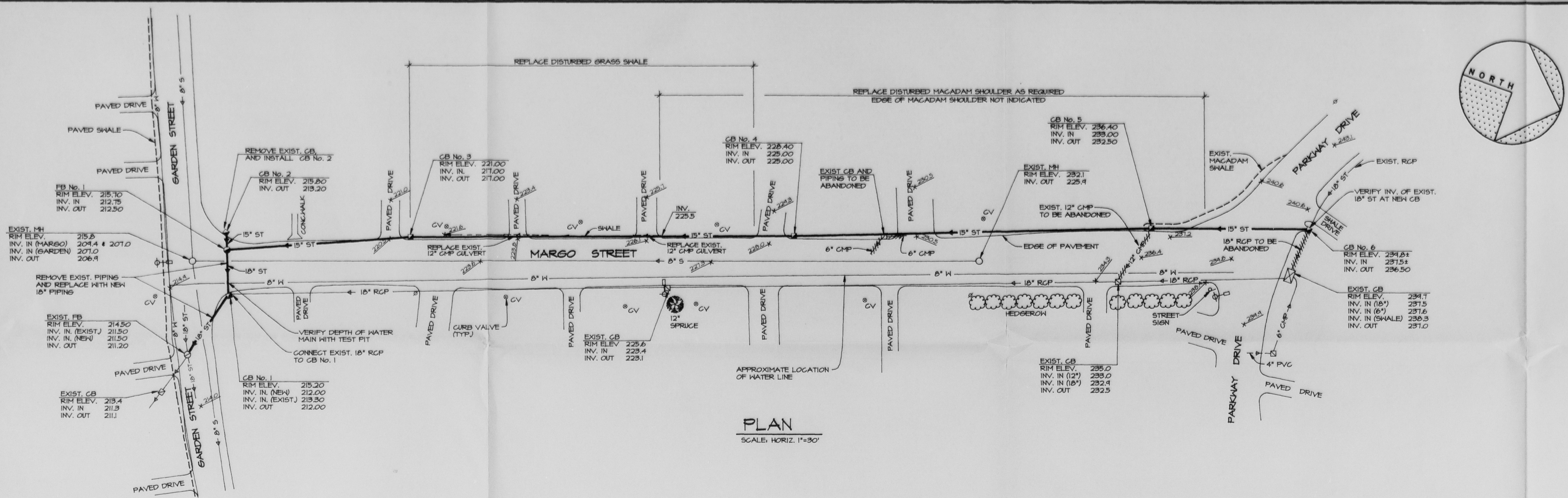
Gregory Shaw of Shaw Engineering and Michael Waskew appeared before the board for this proposal.

MR. WASKEW: I think by the time we come back for the next meeting, when I'm going to hopefully ask for final approval, we'll have everything pretty well under control in Phase One.

MR. DUBALDI: Final approval number one.

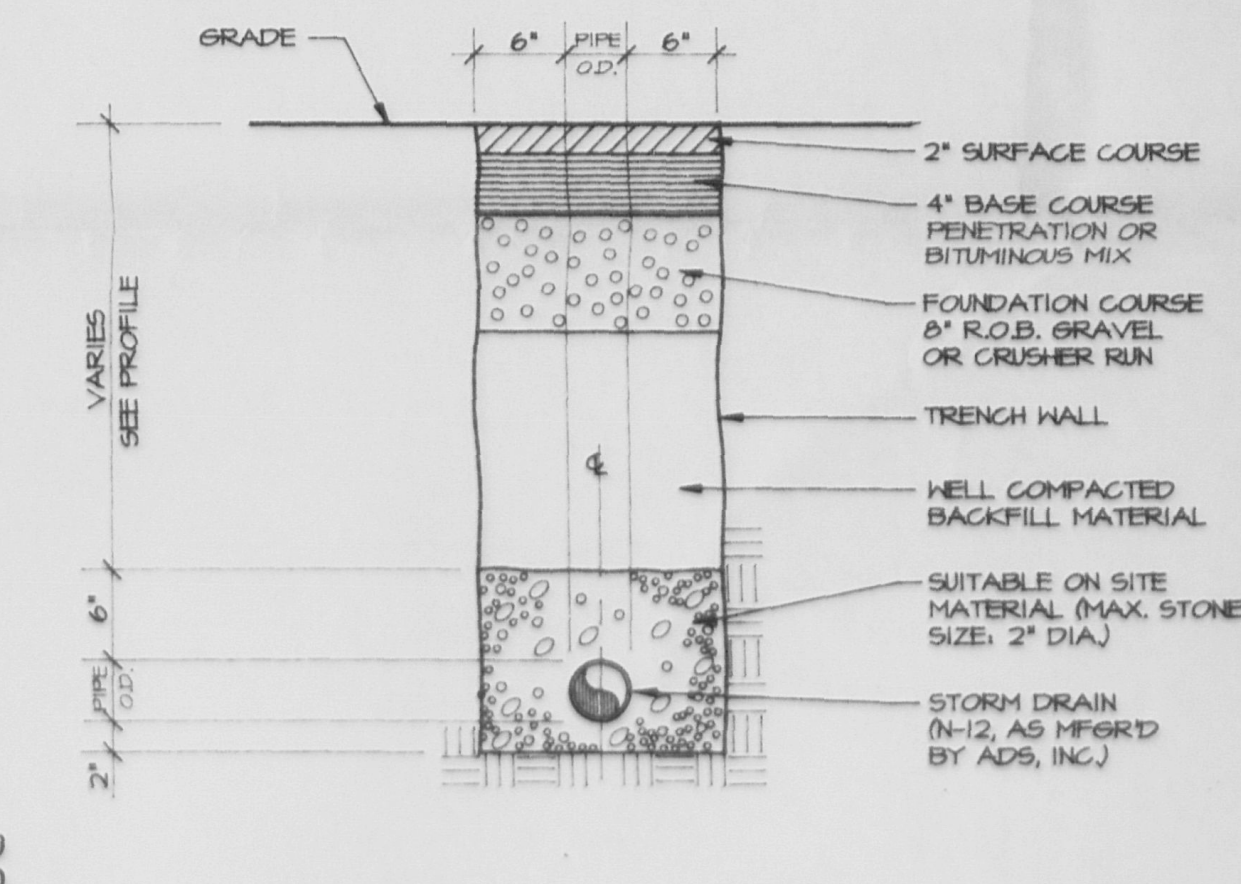
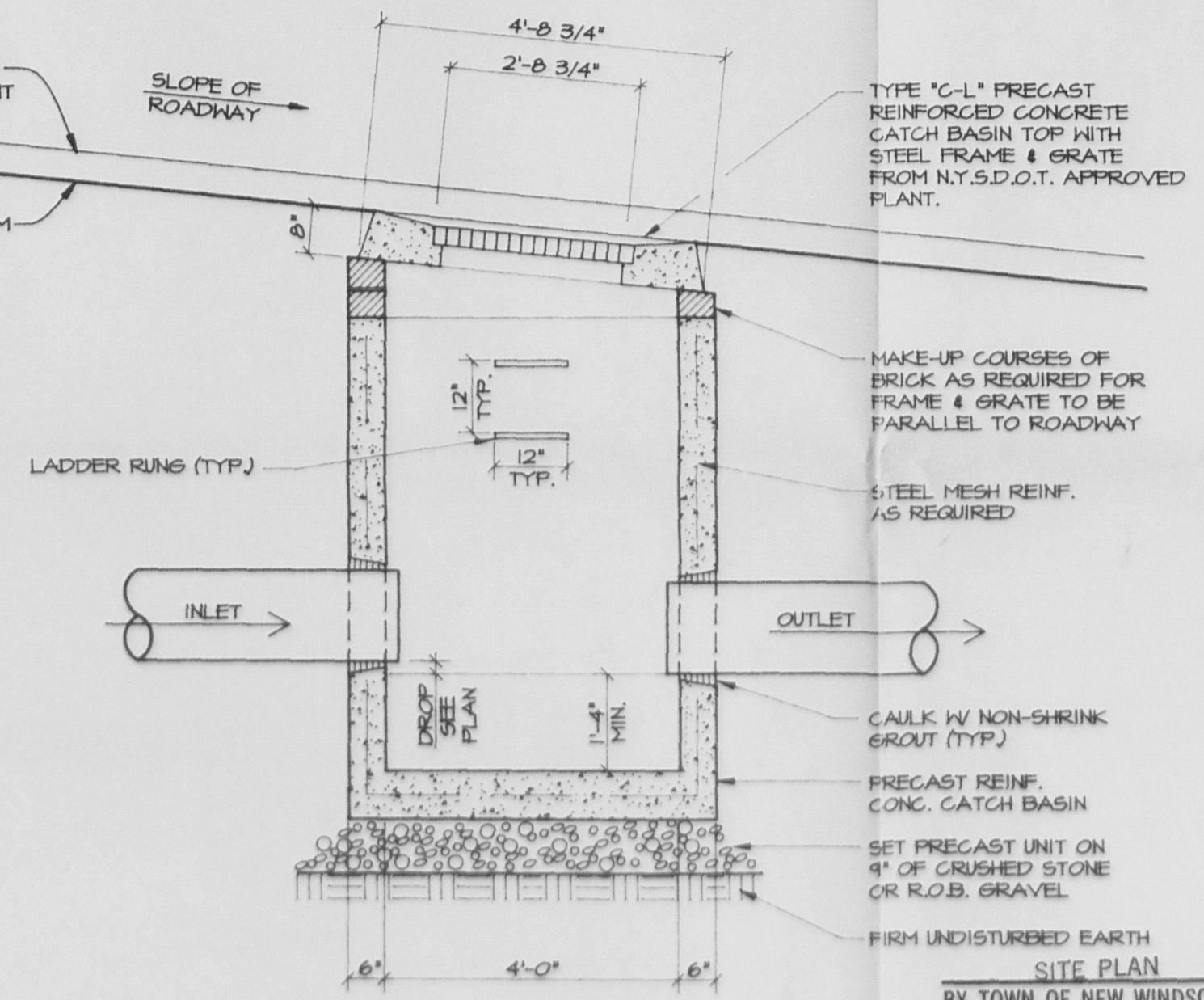
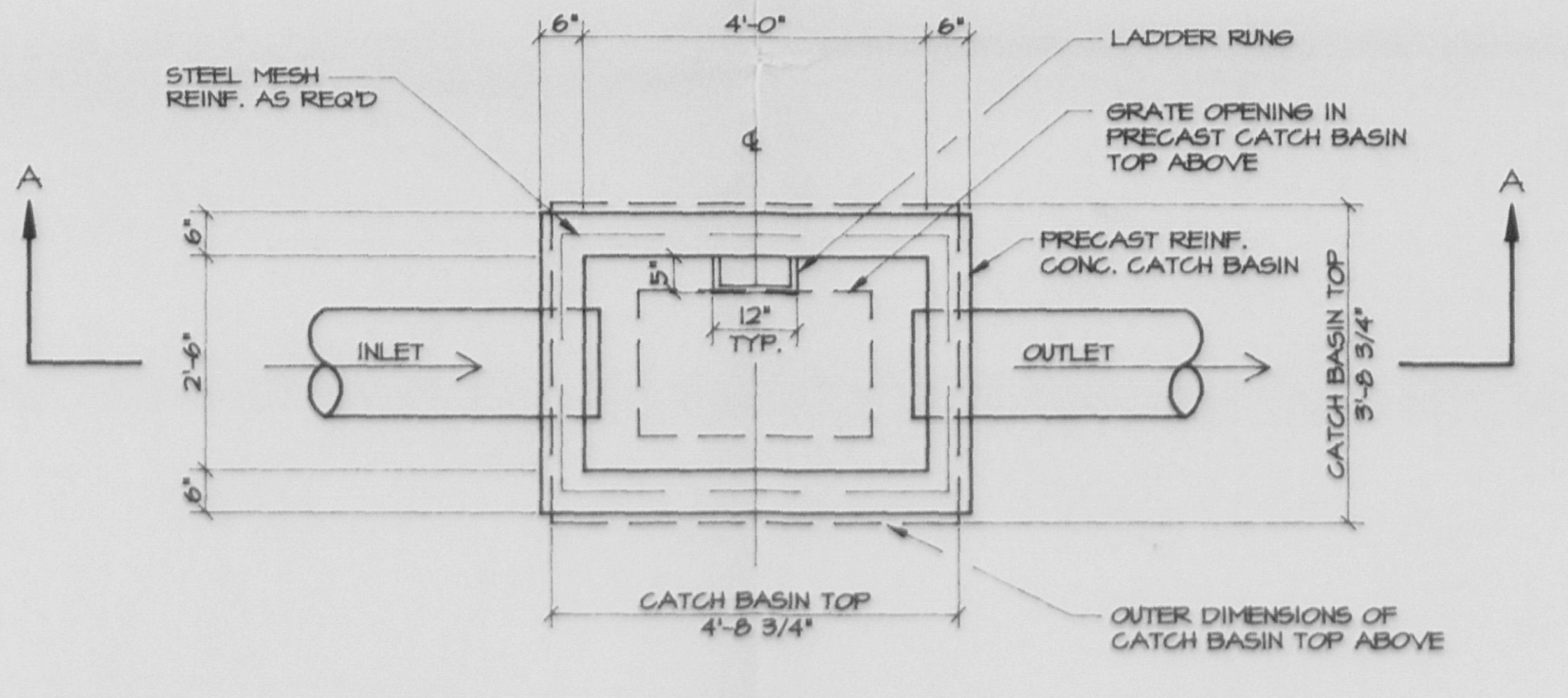
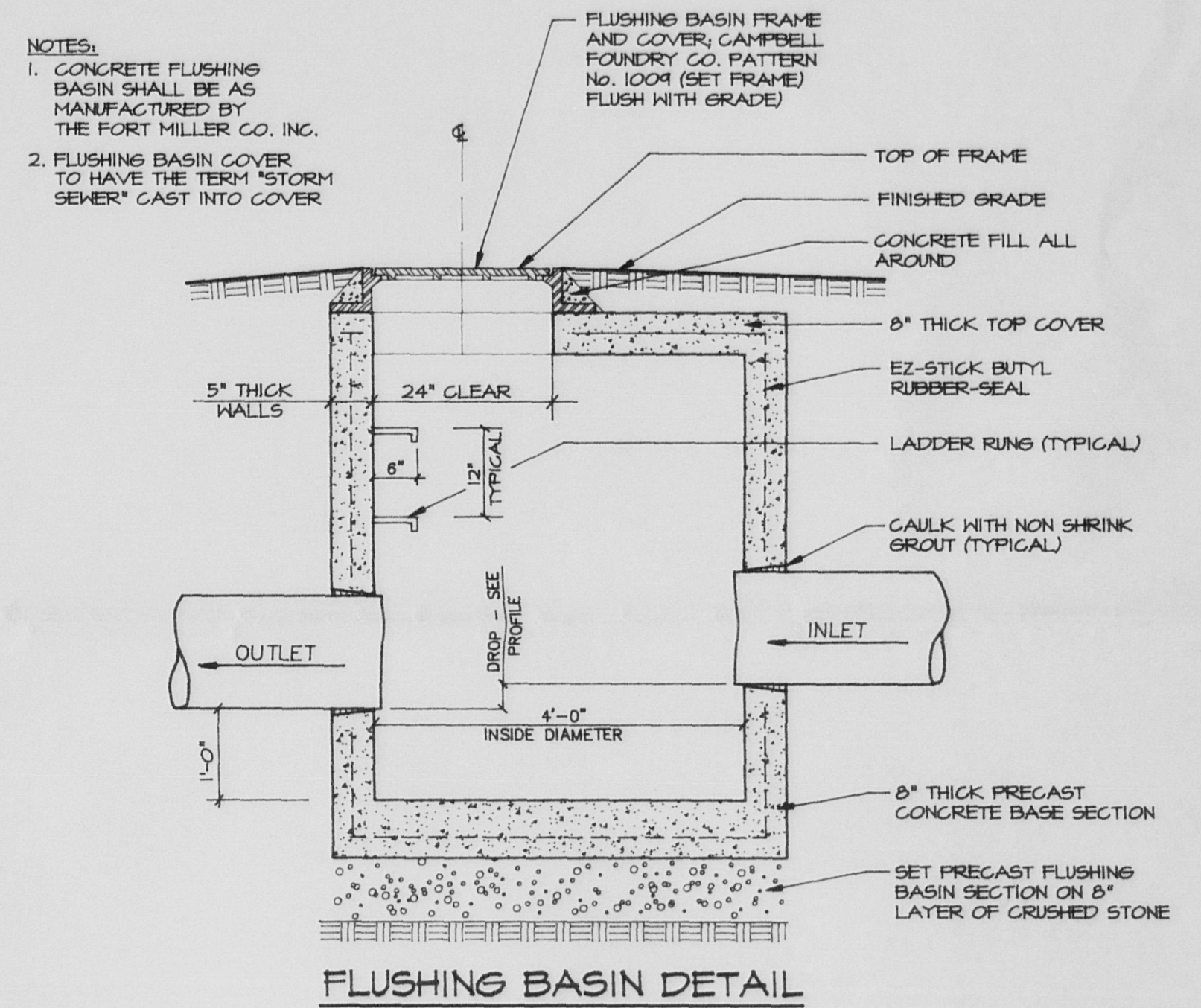
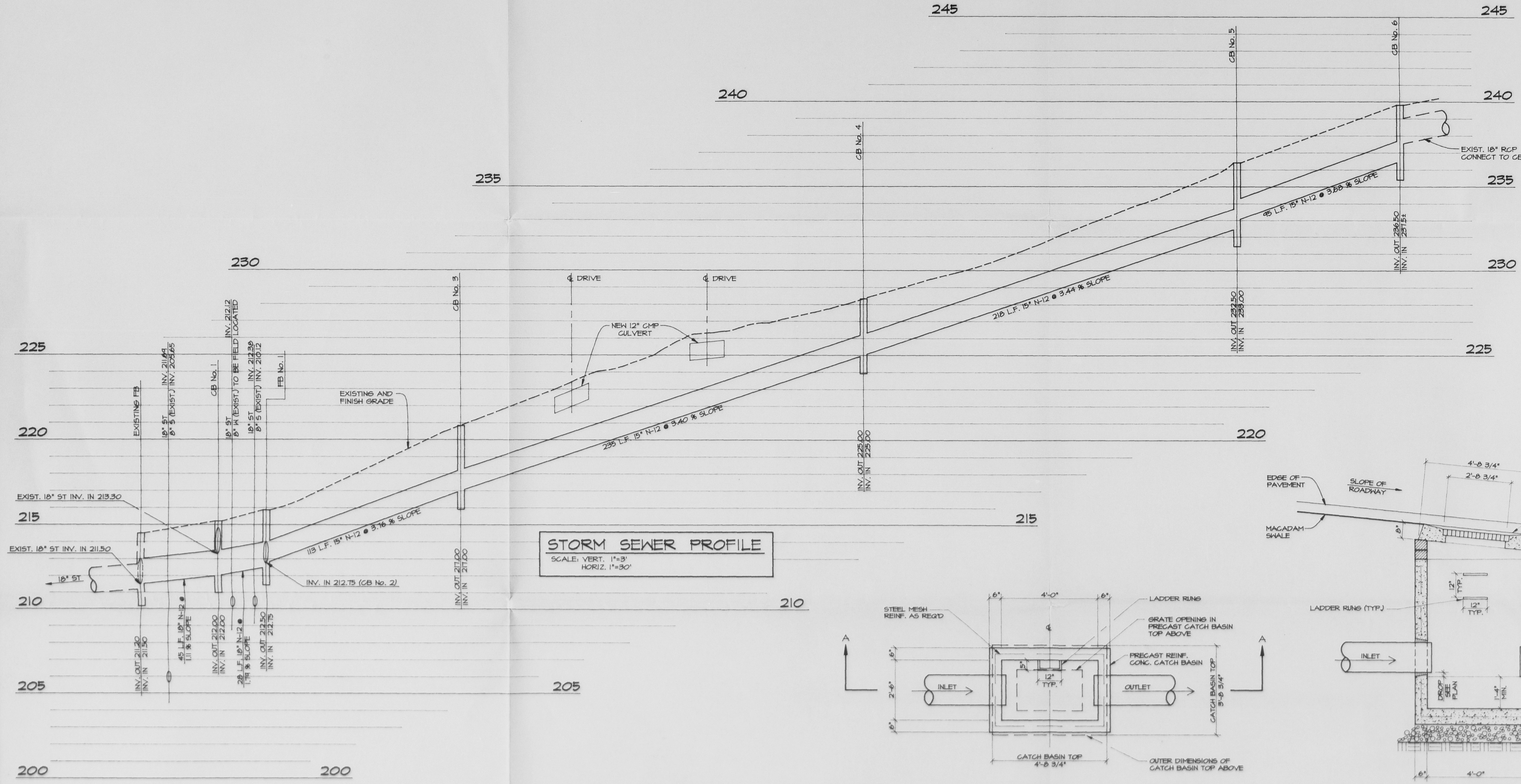
MR. WASKEW: Yes, we'd like to get going on Phase 2, without you know all these things, it's already July, it will be the end of July by the time we get there by the time we get at least some of the underground work done while the weather is good. There's a couple of issues that we want to go over, I wanted to come here to make sure that everything that we need to do in order to get to final approval is done. Now, we've touched on the, all the bases we need to touch on, we did appear before the Town Board to get resolutions on sidewalks and on bus shelter and to resolve the outstanding, other outstanding issues. I believe we have been told that that is going to proceed, that sewer capacity is available as an example and I think the only thing that is left for us as far as we know is to come up with a typical landscaping and lighting plan, so I brought you a rendered version of what an engineer did. One of which we'll submit to Mark for his technical review after getting the board's input and so that is what this is. This is a typical finger development, finger on the upper site and it's laid out to show how we'd like to treat typically all these areas. This funny little green color means everything that is not otherwise indicated or appears to be this color is grass. We want to enter each of these areas and give them a unique identity. There will be an identification side to tell you what dwelling units number so and so on such and such court. We're going to plant 2 large trees at the entrance. These orange lines are access walkways into the units, dwelling units typically, driveways remember we discussed last time we wanted to reduce the apparent width of these access roads. You park on the other side of the





LEGEND	
EXISTING	NEW
--- BOUNDARY	--- FINISHED GRADE
- - - ADJ. PROPERTY LINE	● CATCH BASIN
CB CATCH BASIN	● FLUSHING BASIN
FB FLUSHING BASIN	○ SAN. MANHOLE
○ MH SAN. MANHOLE	--- 18" ST. STORM SEWER
○ HYDRANT	
○ UTILITY POLE	
--- 8" H. WATER MAIN	
--- 8" S. SAN. SEWER	
--- 6" GAS MAIN	
--- 18" CH. STORM SEWER	
● SPOT ELEV. 224.0	
○ CURB VALVE	
○ WATER VALVE	
○ GAS VALVE	
○ LIGHT POLE	

- NOTES**
1. RESHAPE AROUND NEW CATCH BASIN AS REQUIRED TO COLLECT STORM WATER.
  2. REMOVE & RESTORE MAILBOXES, NEWSPAPER BOXES AND SIGNS WHICH ARE TO BE DISTURBED DURING INSTALLATION OF DRAINAGE SYSTEM.
  3. PLANIMETRIC, TOPOGRAPHIC & UTILITY INFORMATION OBTAINED BY GREVAS & HILBRETH, P.C., IN JULY OF 1983.
  4. THE LOCATIONS OF EXISTING UTILITIES ARE TO BE CONSIDERED APPROXIMATE, AND THE CONTRACTOR SHALL VERIFY THEIR LOCATIONS AND ELEVATIONS PRIOR TO EXCAVATION. NEW YORK STATE INDUSTRIAL CODE REQUIRES TWO (2) WORKING DAYS NOTICE BEFORE EXCAVATION, DRILLING, OR BLASTING. UNDERGROUND UTILITIES CENTER TELEPHONE NO. 15 1-800-245-2828.



APPROVAL GRANTED  
BY TOWN OF NEW WINDSOR PLANNING BOARD  
ON NOV 15 1993  
BY CARMEN R. DUBALDI, JR.  
SECRETARY

**Shaw Engineering**  
Consulting Engineers  
744 Broadway  
Newburgh, N.Y. 12550

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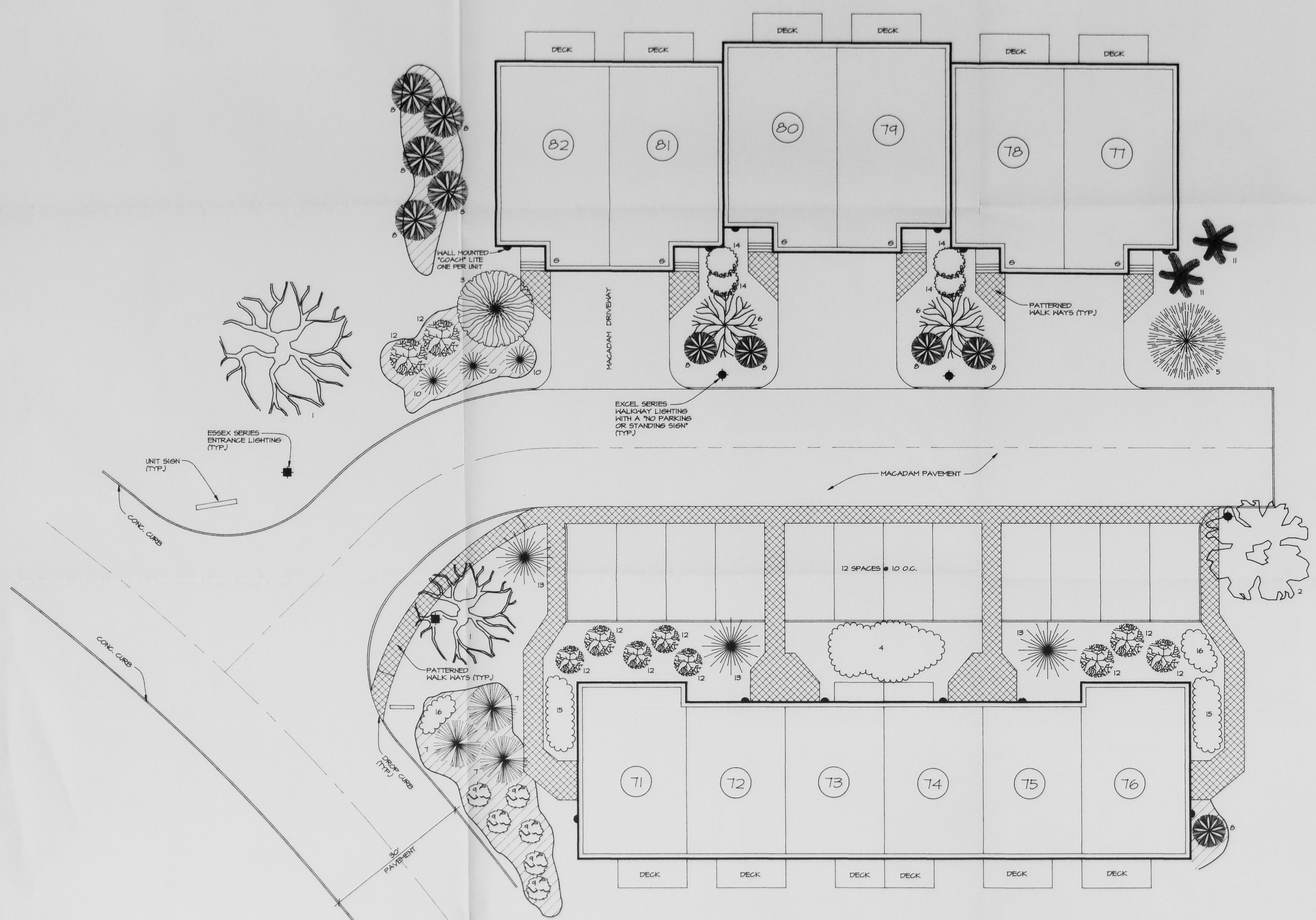
COPYRIGHT 1993 SHAW ENGINEERING

Drawn By: J.R.J.	Drawing: PLAN, PROFILE & DETAILS	1 OF 1
Checked By: G.J.S.	Project: OFF - SITE STORM DRAINAGE IMPROVEMENTS FOR WINDSOR CREST SUBDIVISION	
Scale: AS SHOWN	Route 32 TOWN OF NEW WINDSOR, N.Y.	Project No. 9105
Date: 7-15-1993		
ISSUE	REVISION	DATE

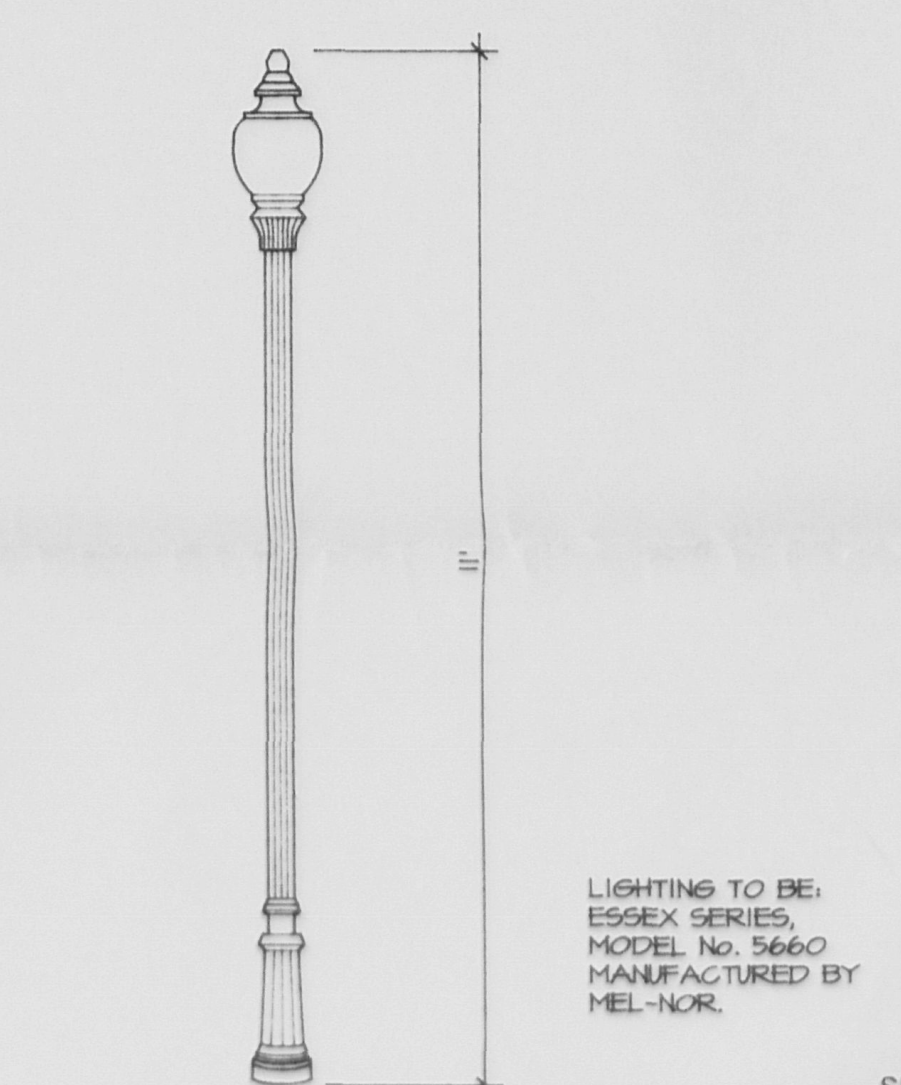
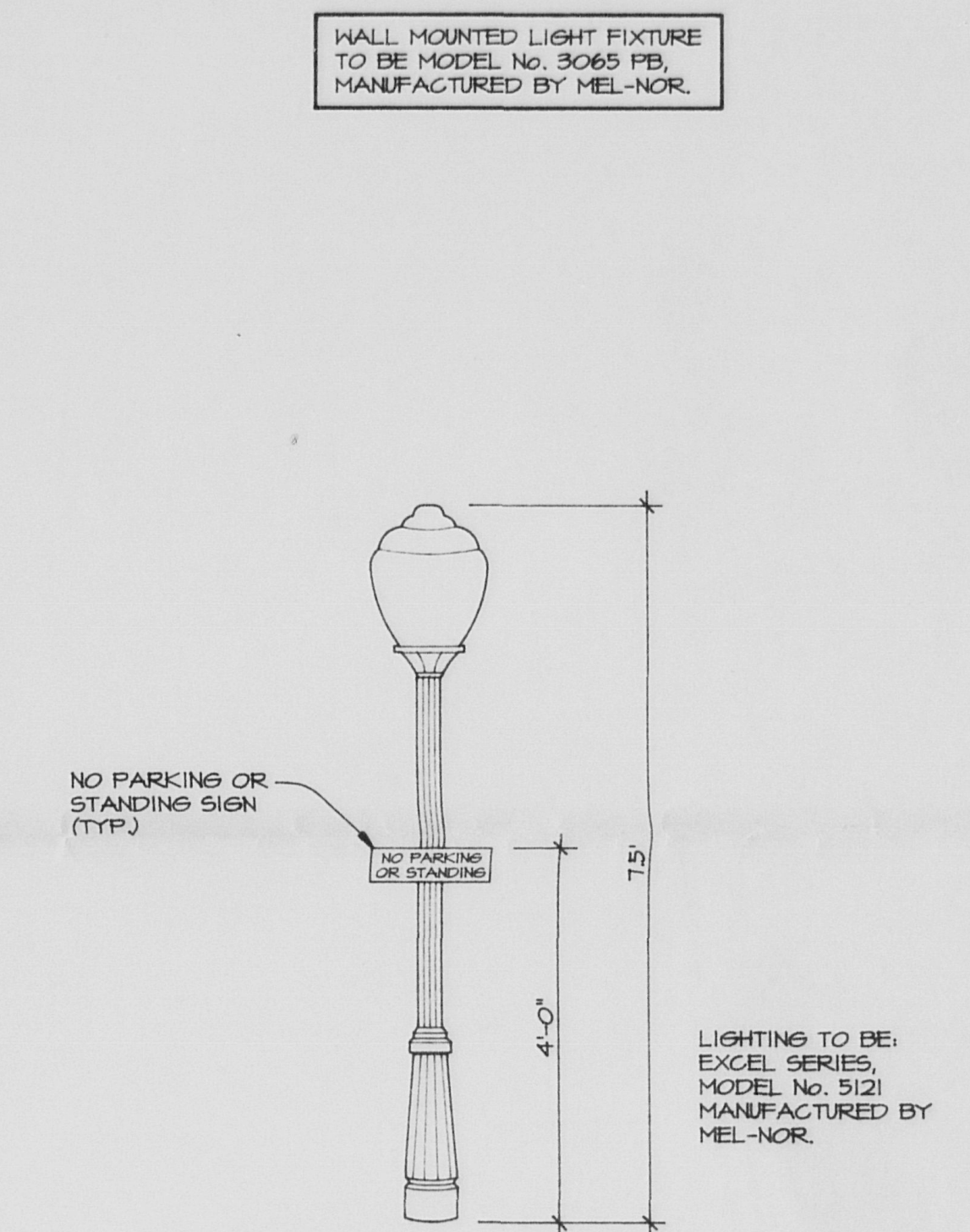


PLANT LIST			
KEY	COMMON NAME	SIZE	QUANTITY
1	LOCUST	3"-5.5"	2
2	"BLOODGOOD" MAPLE	6"-7"	1
3	JAPANESE MAPLE	3"-4"	1
4	PAPER BIRCH	10"-12"	CLUMP (2 x 2)
5	PINK FLOW / DOGWOOD	3"-5.5"	1
6	SNOW FTN. WEEPING CHERRY	2"-2.5"	2
7	WHITE SPRUCE	6"-7"	3
8	AZALEA	24"-30"	10
9	BUXTAMUS (E & G)	18"-24"	6
10	BLUE RUS JUNIPER	18"-24"	3
11	RHODOCENDRON	30"-36"	2
12	FIRETHORN	56"	10
13	SPIREA (SN-HND)	3"-4"	3
14	TAXUS	30"-36"	4
15	PACHYSANDRA		*
16	VINCA		*

\* DENOTES TOTAL GROUND COVER USED FOR ALL RESIDENTIAL UNITS INDICATED.



TYPICAL LANDSCAPING & LIGHTING PLAN  
SCALE: 1"=10'



SITE PLAN APPROVAL GRANTED  
BY TOWN OF NEW WINDSOR PLANNING BOARD  
ON NOV 15 1993  
BY CARMEN R. DUBALDI, JR.  
SECRETARY

**Shaw Engineering**  
Consulting Engineers  
744 Broadway  
Newburgh N.Y. 12550

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ISSUE	REVISION	DATE

Drawn By: J.R.J.	Drawing: TYPICAL LANDSCAPING & LIGHTING PLAN	IIA
Checked By: G.J.S.	Project: WINDSOR CREST CONDOMINIUMS PHASE II	
Scale: 1"=10'	WINDSOR HIGHWAY TOWN OF NEW WINDSOR, N.Y.	
Date: 7-15-1993	Project No. 9105	